

MISSOURI HOUSE OF REPRESENTATIVES

CATHERINE HANAWAY, SPEAKER

**SUMMARIES OF
TRULY AGREED TO AND FINALLY PASSED BILLS**

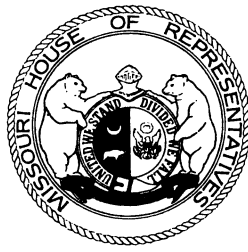
MISSOURI GENERAL ASSEMBLY

92ND GENERAL ASSEMBLY

SECOND REGULAR SESSION

2004

Prepared by House Research Staff



CATHERINE L. HANAWAY
SPEAKER

MISSOURI
HOUSE OF REPRESENTATIVES
JEFFERSON CITY, MO 65101

DISTRICT 87
573-751-8510
CHANAWAY@SERVICES.STATE.MO.US

May 15, 2004

To: Members of the House of Representatives

From: Speaker Catherine Hanaway

A handwritten signature in black ink, appearing to read "CH", is written over the "From:" line.

Attached are summaries of the bills Truly Agreed To and Finally Passed in the session just ended. Additional copies are available from the House Post Office (751-4555) or House Research (751-2979).

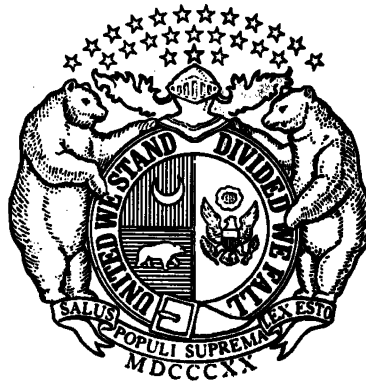
You will be mailed a printed booklet of the summaries with an index as soon as it is available.

TRULY AGREED TO AND FINALLY PASSED

HOUSE BILLS

**SECOND REGULAR SESSION
92nd GENERAL ASSEMBLY**

2004



**Prepared by
House Research Staff**

FY 2005 OPERATING BUDGET SUMMARY

House Bill	FY 04 Budget	Governor's Amended Recommendation	FY 05 TAFP
1001 <u>Public Debt</u>			
General Revenue	\$ 103,553,110	\$ 103,045,815	\$ 103,045,815
Federal Funds	0	0	0
Other Funds	987,647	996,472	996,472
Total	\$ 104,540,757	\$ 104,042,287	\$ 104,042,287
FTE	0.00	0.00	0.00
1002 <u>Elementary and Secondary Education</u>			
General Revenue	\$ 2,464,161,089	\$ 2,450,108,372	\$ 2,562,386,690
Federal Funds	927,318,630	949,361,696	995,086,690
Other Funds	1,158,941,912	1,312,412,137	1,209,356,093
Total	\$ 4,550,421,631	\$ 4,711,882,205	\$ 4,766,829,473
FTE	2,020.28	1,975.15	1,968.15
1003 <u>Higher Education</u>			
General Revenue	\$ 839,518,558	\$ 880,617,399	\$ 862,342,574
Federal Funds	6,690,637	6,245,225	6,247,637
Other Funds	181,476,578	180,148,253	180,529,321
Total	\$ 1,027,685,773	\$ 1,067,010,877	\$ 1,049,119,532
FTE	94.73	89.73	89.73
1004 <u>Revenue</u>			
General Revenue	\$ 79,388,409	\$ 86,233,266	\$ 90,400,447
Federal Funds	8,048,685	8,998,727	9,001,789
Other Funds	362,223,394	362,167,762	359,440,252
Total	\$ 449,660,488	\$ 457,399,755	\$ 458,842,488
FTE	2,156.20	2,110.20	2,107.70
1004 <u>Transportation</u>			
General Revenue	\$ 10,665,296	\$ 11,871,012	\$ 12,162,168
Federal Funds	55,597,241	53,292,811	53,276,877
Other Funds	1,658,351,078	1,575,037,969	1,578,332,143
Total	\$ 1,724,613,615	\$ 1,640,201,792	\$ 1,643,771,188
FTE	6,682.25	6,690.25	6,688.25
1005 <u>Office of Administration</u>			
General Revenue	\$ 147,521,674	\$ 154,006,559	\$ 153,139,381
Federal Funds	19,952,464	9,567,057	9,568,718
Other Funds	8,031,151	9,721,819	9,734,796
Total	\$ 175,505,289	\$ 173,295,435	\$ 172,442,895
FTE	966.67	942.47	934.47
1005 <u>Employee Benefits</u>			
General Revenue	\$ 415,478,524	\$ 453,008,926	\$ 445,183,121
Federal Funds	120,621,393	141,341,400	139,683,562
Other Funds	116,887,848	137,754,154	136,805,369
Total	\$ 652,987,765	\$ 732,104,480	\$ 721,672,052
FTE	0.00	0.00	0.00
1006 <u>Agriculture</u>			
General Revenue	\$ 13,317,171	\$ 13,165,685	\$ 15,248,217
Federal Funds	5,875,382	5,476,652	5,490,357
Other Funds	15,797,936	16,885,408	15,354,316
Total	\$ 34,990,489	\$ 35,527,745	\$ 36,092,890
FTE	457.75	452.35	444.85

FY 2005 OPERATING BUDGET SUMMARY

House Bill		FY 04 Budget	Governor's Amended Recommendation	FY 05 TAFP
1006	<u>Natural Resources</u>			
	General Revenue	\$ 8,936,771	\$ 8,645,754	\$ 8,521,062
	Federal Funds	46,927,510	46,499,597	45,192,505
	Other Funds	275,810,752	277,900,735	275,220,522
	Total	\$ 331,675,033	\$ 333,046,086	\$ 328,934,089
	FTE	2,013.65	1,988.58	1,987.12
1006	<u>Conservation</u>			
	General Revenue	\$ 0	\$ 0	\$ 0
	Federal Funds	0	0	0
	Other Funds	126,951,038	133,000,439	133,931,123
	Total	\$ 126,951,038	\$ 133,000,439	\$ 133,931,123
	FTE	1,871.61	1,871.61	1,871.61
1007	<u>Economic Development</u>			
	General Revenue	\$ 40,898,933	\$ 41,821,216	\$ 44,195,819
	Federal Funds	163,686,889	163,006,453	163,389,259
	Other Funds	68,961,021	70,056,265	69,227,236
	Total	\$ 273,546,843	\$ 274,883,934	\$ 276,812,314
	FTE	1,513.58	1,471.58	1,466.66
1007	<u>Insurance</u>			
	General Revenue	\$ 0	\$ 200,000	\$ 0
	Federal Funds	450,000	450,000	450,000
	Other Funds	14,268,710	13,856,909	13,884,932
	Total	\$ 14,718,710	\$ 14,506,909	\$ 14,334,932
	FTE	226.50	222.50	218.50
1007	<u>Labor and Industrial Relations</u>			
	General Revenue	\$ 3,118,319	\$ 2,831,376	\$ 2,661,426
	Federal Funds	68,097,711	62,063,361	62,564,813
	Other Funds	81,107,154	93,377,542	92,970,038
	Total	\$ 152,323,184	\$ 158,272,279	\$ 158,196,277
	FTE	1,278.77	1,186.41	1,184.41
1008	<u>Public Safety</u>			
	General Revenue	\$ 39,422,758	\$ 45,608,397	\$ 45,507,763
	Federal Funds	87,031,465	82,197,639	87,377,775
	Other Funds	222,769,781	238,389,114	245,269,735
	Total	\$ 349,224,004	\$ 366,195,150	\$ 378,155,273
	FTE	4,746.22	4,849.36	4,865.36
1009	<u>Corrections</u>			
	General Revenue	\$ 522,561,102	\$ 535,180,307	\$ 523,395,862
	Federal Funds	8,972,901	7,770,096	7,813,835
	Other Funds	42,947,609	42,574,180	42,772,722
	Total	\$ 574,481,612	\$ 585,524,583	\$ 573,982,419
	FTE	11,989.89	11,798.91	11,706.39

FY 2005 OPERATING BUDGET SUMMARY

House Bill	FY 04 Budget	Governor's Amended Recommendation	FY 05 TAFP
1010 <u>Mental Health</u>			
General Revenue	\$ 509,586,118	\$ 522,527,997	\$ 521,575,544
Federal Funds	383,833,022	397,516,700	415,464,229
Other Funds	35,613,321	35,411,363	36,038,216
Total	\$ 929,032,461	\$ 955,456,060	\$ 973,077,989
FTE	9,809.48	9,343.91	9,378.96
1010 <u>Health</u>			
General Revenue	\$ 81,863,107	\$ 92,634,628	\$ 81,195,589
Federal Funds	318,438,264	320,939,791	328,293,614
Other Funds	40,700,155	41,780,551	41,040,399
Total	\$ 441,001,526	\$ 455,354,970	\$ 450,529,602
FTE	2,138.42	2,154.37	2,143.73
1011 <u>Social Services</u>			
General Revenue	\$ 1,203,065,524	\$ 1,388,828,190	\$ 1,386,592,216
Federal Funds	4,003,040,350	4,365,071,979	4,357,027,381
Other Funds	353,194,192	469,681,388	482,065,704
Total	\$ 5,559,300,066	\$ 6,223,581,557	\$ 6,225,685,301
FTE	8,906.22	8,646.84	8,589.20
1012 <u>Elected Officials</u>			
General Revenue	\$ 41,849,145	\$ 43,618,200	\$ 42,966,148
Federal Funds	12,829,508	36,306,274	36,306,937
Other Funds	29,970,099	42,091,947	42,502,451
Total	\$ 84,648,752	\$ 122,016,421	\$ 121,775,536
FTE	961.12	961.62	958.02
1012 <u>Judiciary</u>			
General Revenue	\$ 137,546,486	\$ 140,436,828	\$ 140,830,307
Federal Funds	16,869,957	17,036,261	17,082,777
Other Funds	6,347,831	8,926,802	9,206,966
Total	\$ 160,764,274	\$ 166,399,891	\$ 167,120,050
FTE	3,399.86	3,400.86	3,368.47
1012 <u>Public Defender</u>			
General Revenue	\$ 28,111,874	\$ 28,558,170	\$ 28,463,282
Federal Funds	125,000	125,000	125,000
Other Funds	1,215,734	1,216,901	1,218,134
Total	\$ 29,452,608	\$ 29,900,071	\$ 29,806,416
FTE	560.13	560.13	560.13
1012 <u>General Assembly</u>			
General Revenue	\$ 31,255,219	\$ 31,945,253	\$ 31,352,538
Federal Funds	0	0	0
Other Funds	191,491	191,905	192,691
Total	\$ 31,446,710	\$ 32,137,158	\$ 31,545,229
FTE	729.50	707.21	722.84
13 <u>Statewide Leasing - Year 2 Biennial Bill</u>			
General Revenue	\$ 26,448,932	\$ 27,429,258	\$ 27,429,258
Federal Funds	17,185,969	17,068,557	17,068,557
Other Funds	5,973,022	5,915,522	5,915,522
Total	\$ 49,607,923	\$ 50,413,337	\$ 50,413,337
FTE	0.00	0.00	0.00

FY 2005 OPERATING BUDGET SUMMARY

House Bill	FY 04 Budget	Governor's Amended Recommendation	FY 05 TAFP
<u>Total Operating Budget</u>			
General Revenue	\$ 6,748,268,119	\$ 7,062,322,608	\$ 7,128,595,227
Federal Funds	6,271,592,978	6,690,335,276	6,756,512,312
Other Funds	4,808,719,454	5,069,495,537	4,982,005,153
Total	\$ 17,828,580,551	\$ 18,822,153,421	\$ 18,867,112,692
FTE	62,522.83	61,424.04	61,254.55
<u>Refunds</u>			
General Revenue	\$ 1,201,960,640	\$ 1,286,760,640	\$ 1,286,759,857
Federal Funds	2,531,307	1,934,307	1,934,307
Other Funds	50,048,117	41,243,693	41,243,693
Total	\$ 1,254,540,064	\$ 1,329,938,640	\$ 1,329,937,857
<u>Total Operating Budget including Refunds</u>			
General Revenue	\$ 7,950,228,759	\$ 8,349,083,248	\$ 8,415,355,084
Federal Funds	6,274,124,285	6,692,269,583	6,758,446,619
Other Funds	4,858,767,571	5,110,739,230	5,023,248,846
Total	\$ 19,083,120,615	\$ 20,152,092,061	\$ 20,197,050,549
FTE	62,522.83	61,424.04	61,254.55

Prepared by House Appropriations Staff
May 12, 2004

FY 2005 CAPITAL BUDGET SUMMARY

House Bill	FY 03 Prior Year Expenditures	FY 04 Budget	FY 2005 TAFP
18 <u>Capital Improvements - Maintenance and Repair (Year 2 of biennial bill)</u>			
General Revenue	\$ 40,646,243	\$ 37,147,542	\$ 46,652,542
Federal Funds	1,948,867	4,021,028	3,300,000
Other Funds	6,769,052	27,624,372	14,791,538
Total	\$ 49,364,162	\$ 68,792,942	\$ 64,744,080
19 <u>Capital Improvements - Construction (Year 2 of biennial bill)</u>			
General Revenue	\$ 200,000	\$ 1,000	\$ 0
Federal Funds	825,000	75,854,169	38,925,484
Other Funds	27,589,333	64,840,138	32,237,216
Total	\$ 28,614,333	\$ 140,695,307	\$ 71,162,700
20 <u>Capital Improvements - Construction (Year 2 of biennial bill)</u>			
General Revenue	\$ 0	\$ 0	\$ 0
Federal Funds	5,807,643	0	0
Other Funds	30,000,000	0	0
Total	\$ 35,807,643	\$ 0	\$ 0
1021 <u>Capital Improvements - New Bill 2004 Session</u>			
General Revenue	\$ 0	\$ 0	\$ 625,044
Federal Funds	0	0	1
Other Funds	0	0	14,791,538
Total	\$ 0	\$ 0	\$ 15,416,583
<u>Total Capital Improvements Budget</u>			
General Revenue	\$ 40,846,243	\$ 37,148,542	\$ 47,277,586
Federal Funds	8,581,510	79,875,197	42,225,485
Other Funds	64,358,385	92,464,510	61,820,292
Total	\$ 113,786,138	\$ 209,488,249	\$ 151,323,363

Prepared by House Appropriations Staff
May 12, 2004

CCS SS SCS HCS HB 795, 972, 1128 & 1161 -- COUNTY GOVERNMENT

This bill changes the laws regarding county government. In its main provisions, the bill:

- (1) Authorizes the commissions in Cass and Greene counties to impose a civil fine of not more than \$1,000 for misdemeanor county ordinance violations;
- (2) Authorizes noncharter counties to adopt ordinances related to its property, affairs, and local government, including protection of people and the environment from the risks of methamphetamine but excluding regulation of the sale or display of drugs with certain active ingredients. No county commission may enact an ordinance with regard to agricultural operations, but any zoning adopted by a county prior to the bill's effective date is exempt from this provision;
- (3) Allows the salary commission of Cape Girardeau County to determine in 2004 whether to equalize the base salary of the county treasurer;
- (4) Allows county collectors to employ at least one full-time deputy and as many as necessary to perform the duties of the office;
- (5) Increases the maximum reimbursement rate for members of county planning commissions in second and third classification counties and counties with alternative county planning and zoning;
- (6) Allows county planning commissions to accept other forms of security besides surety bonds in lieu of the full completion of required infrastructure improvements in subdivisions prior to the plat being recorded;
- (7) States that if a county commission has not submitted a panel of names to the Governor within 30 days of the expiration of a county sports complex authority's commissioner's term, the Governor will immediately make an appointment with the advice and consent of the Senate. If the Governor does not appoint a replacement, no commissioner will serve beyond the continuation of his or her term;
- (8) Allows Jefferson County to establish county municipal courts and adopt orders with penal provisions in the areas of traffic violations, solid waste management, and animal control;

(CONTINUED)

(9) Enables Dent County and the City of Hermann to enact a transient guest tax;

(10) Allows citizens of Buchanan, Newton, Jasper, Wright, Camden, Miller, Jefferson, Morgan, Greene, and Cole counties to petition to create an exhibition center and recreation facility district. The district may submit to its voters a sales tax of one-quarter of 1% to fund the district;

(11) Allows St. Charles County to establish a theater, cultural arts, and entertainment district and assess a sales tax of up to one-half of 1% to fund the district;

(12) Provides that a centralized emergency dispatching system created by a joint municipal agreement within St. Louis County will be considered a political subdivision as it relates to Sections 70.600 - 70.755, RSMo, regarding the retirement of officers and employees of political subdivisions;

(13) Requires political subdivisions to accept a letter of credit from a developer as security for the completion of infrastructure improvements in subdivisions. The bill exempts Kansas City from this provision;

(14) Exempts transfers of certain property by the Bi-State Metropolitan Development District and the Kansas City Area Transportation District Authority from real and personal property taxes and state and local sales and use taxes. The bill adds to the exemptions all sales made by or to an organization that has been granted tax exempt status under federal law. This section contains an emergency clause;

(15) Allows, through intergovernmental agreements, the collection of traffic fines, parking fines, towing and vehicle immobilization fees, and the penalties and court costs associated with those fines and fees at the same time as the collection of a taxpayer's personal property taxes;

(16) Increases the percentage of property tax collections that are deposited in the county assessment fund under certain conditions. An additional one-eighth of 1%, not to exceed \$100,000 in any year, will be deducted in charter and first classification counties and the City of St. Louis, and an additional one-quarter of 1%, not to exceed \$50,000 in any year, in all other counties. This section will become effective on January 1, 2005, and expires on December 31, 2009;

(17) Prohibits any municipal official, member of a school board,

(CONTINUED)

or an employee of a school district from serving on a county board of equalization in counties with a charter form of government;

(18) Repeals the Community Comeback Act. The local use tax in St. Louis County, which is used to fund the program, will be used for economic development and enhancing local government in St. Louis County;

(19) Clarifies that a municipality in Christian County may continue to operate an emergency telephone service in the event the county also establishes a service or has been reclassified into a higher classification;

(20) Revises provisions pertaining to vital records. The bill:

(a) Increases from \$10 to \$13 the fees charged for the issuance of a certification or copy of a death record by a state or local registrar and increases from \$10 to \$15 the fees charged for the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record;

(b) Requires the Director of the Department of Revenue to credit \$4 to the General Revenue Fund; \$5 to the Children's Trust Fund; \$3-\$5 to the Missouri Public Health Services Fund; and \$1 to the Endowed Care Cemetery Audit Fund from each vital record fee collected, effective August 28, 2004; and

(c) Requires that moneys in the Missouri Public Health Services Fund be used to automate and improve the vital records system by December 31, 2009;

(21) Increases the cap from \$3 to \$7 for special use permits in certain counties;

(22) Allows the formation of a levee district in any city, town, or village that is not located in St. Charles County. However, third and fourth class cities in St. Charles County are allowed to form levee districts. Certain levee districts in St. Louis County are authorized to construct and maintain waterlines. Under current law, levee districts located within St. Louis County are allowed an alternative procedure with respect to the apportionment of installment taxes. The bill extends this procedure to all levee districts;

(23) Allows county commissions and industrial development authorities to use landfill fees for economic development within the county;

(CONTINUED)

(24) Allows any second, third, or fourth classification county to set by ordinance countywide speed limits on roads within unincorporated areas of the county, with the maximum speed limit of 55 miles per hour if there are signs posted and 50 miles per hours if there are no signs;

(25) Exempts Greene, Platte, Clay, St. Louis, and St. Charles counties from the requirements providing for an adjustment in the total operating levy of the district based on the sales tax revenue and, upon voter petition, repealing a sales tax for those purposes;

(26) Requires the Highways and Transportation Commission to issue an order authorizing removal of a railroad crossing within 30 days whenever an authority legally closes or vacates a road which has a crossing;

(27) Provides an alternative method for issuing certain utilities revenue bonds;

(28) Requires the Jackson County public administrator, when serving as conservator and using pooled accounts for conservatorship funds, to have the pooled accounts audited at least annually by an independent certified public accountant to be paid by the county. When the accountant's audit report is filed with the court, the written certification by a depository officer will not be required;

(29) Subjects Kansas City municipal judges and court personnel to court management and case docketing by the presiding judge and the rules of the circuit court;

(30) Allows Franklin County to impose an additional fee of \$10 when filing a civil case unless it concerns adoption or is in small claims court and allows any county other than a county on the nonpartisan court plan to use money collected for the maintenance and upkeep of a law library to pay for courtroom renovation and technology as well as for debt service on bonds issued by the county for the projects;

(31) Allows required legal publications in a newspaper that has only been published for two years if it is the only newspaper serving a county. This section contains an emergency clause;

(32) Relieves cities and villages with fewer than 10,000 inhabitants of liability for the injury or death of any person attending any fair, festival, or similar gathering organized or sponsored by the municipality;

(CONTINUED)

(33) Prohibits the sales tax authorized for funding storm water control or local parks from being collected on food in St. Louis County; and

(34) Provides that the Board of Fund Commissioners determine whether any governmental entity has sufficient fund balances to redeem leasehold revenue bonds obligated pursuant to a federal court desegregation action. If sufficient fund balances exist, the State Board of Education will certify that no amount is needed by the entity to repay the bonds.

SCS HCS HB 798 -- COURTROOM RENOVATION AND TECHNOLOGY

This bill allows all counties, except those with a nonpartisan court plan, to use moneys from the law library fund for courtroom renovation and technology as well as for debt service on bonds issued by the county for these projects.

SCS HB 822 -- AMATEUR RADIO ANTENNA REGULATIONS

This bill prohibits political subdivisions from enacting or enforcing any ordinance that does not comply with the limited preemption of the Federal Communications Commission Amateur Radio Preemption Order. Any ordinance relating to the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic considerations must reasonably accommodate amateur communications and be of minimal practicable regulation. Political subdivisions can adopt ordinances prohibiting amateur radio communications equipment from interfering with the reception of broadcast radio or television signals and take actions to protect or preserve historic districts.

SCS HB 826 and HCS HB 883 -- MEMORIAL HIGHWAYS AND BRIDGE DESIGNATIONS

This bill makes the following memorial highway and bridge designations:

- (1) The portion of State Highway A in Wright County as the "Laura Ingalls Wilder Memorial Highway";
- (2) The portion of Interstate 70, between mile marker 69 and 123 in Saline, Cooper, and Boone counties, as the "U. S. Submarine Veterans' Memorial Highway"; and
- (3) The bridge on State Route 30 in Franklin County as the "Brown-Stinson Memorial Bridge."

SS SCS HCS HB 833 -- EXHIBITION CENTER AND RECREATIONAL FACILITY DISTRICTS

This bill creates the Exhibition Center and Recreational Facility District Act; authorizes St. Charles County to have a theater, cultural arts, and entertainment district; and repeals the Community Comeback Program.

EXHIBITION CENTER AND RECREATIONAL FACILITY DISTRICT ACT

The Exhibition Center and Recreational Facility District Act allows residents of Buchanan, Camden, Cole, Jasper, Jefferson, Miller, Morgan, Newton, and Wright counties to request, by petition, the establishment of an exhibition center and recreational facility district. At least 50 property owners must sign the petition which must include the name and address of each petitioner and the location of their property; a specific description of the boundaries of the proposed district, including a map; and the name of the proposed district.

The governing body of each county included in the district can approve the creation of the district by resolution. Any county can decide not to establish the proposed district, thereby removing itself from the district. A board of trustees is created to administer the district and all revenue received by the district. The board will consist of four individuals from each county approving the district. The bill explains how the trustees will be selected and the powers of the board.

The district is allowed to submit to voters within the district a sales tax of up to 0.25% on all sales in the district. This sales tax cannot be in effect for more than 25 years, unless it is extended by the voters. Any extension of the sales tax cannot be for more than 20 years. The revenue from this tax will be deposited into the Exhibition Center and Recreational Facility District Sales Tax Trust Fund which the bill establishes to fund the exhibition center and recreational facilities. This tax cannot be abolished or terminated if the district has outstanding debts or obligations.

ST. CHARLES COUNTY THEATER, CULTURAL ARTS, AND ENTERTAINMENT DISTRICT

The bill authorizes voters and property owners in St. Charles County to establish a theater, cultural arts, and entertainment district to be funded by a sales tax of up to 0.5%. Minimum criteria is established for the formation of the district, including land area and petition requirements.

(CONTINUED)

Registered voters or property owners may file a petition requesting that the district be established. This petition can be filed with the governing body of the city in which the district is to be established or any circuit court in St. Charles County. The bill specifies the requirements of the petition. A hearing regarding the formation of the proposed district must be held before the question can be placed on a ballot at an election. Subdistricts within the district can oppose the creation of the district and be excluded from the sales tax.

The district will be controlled by a board of directors. Qualifications of the board and the powers possessed and exercised by the district are specified.

The sales tax will be collected by the district and placed into a special trust fund for the purposes of the district. The sales tax cannot be increased or abolished if the district has outstanding debts.

COMMUNITY COMEBACK PROGRAM

The bill repeals the Community Comeback Act and defines "economic development." The local use tax in St. Louis County, which is currently used to fund the program, will instead be used for economic development and enhancing local government in St. Louis County. This tax cannot be imposed on the sale of food.

SCS HB 841 -- CONTAINERS ON WATERCRAFT

This bill prohibits food or beverage containers made of glass from being transported on the waters of the state in watercraft such as canoes, kayaks, or inner tubes which are susceptible to swamping or tipping. Persons carrying appropriately packaged beverages or food on the waters of the state in these watercraft are required to use a cooler, icebox, or similar nonglass container which floats. Containers are to be sealed and carried affixed to the watercraft. All trash is to be lawfully disposed of. Any person who violates these provisions is guilty of a class C misdemeanor.

Any law enforcement officer certified pursuant to Chapter 590, RSMo, is allowed to administer a portable chemical test to any person suspected of operating a vessel while intoxicated. The results of the tests will be admissible as evidence of probable cause and as exculpatory evidence, but will not be admissible as evidence of blood alcohol content.

SS SCS HCS HB 855 -- HEALTH INSURANCE

This bill changes the laws regarding insurance coverage for mental illness and chemical dependency. In its main provisions, the bill:

(1) Requires all health plans or policies that are individually underwritten or that provide coverage for specific individuals and their family members to include coverage for the treatment of alcoholism. Various policies are excluded from this requirement. This provision becomes effective January 1, 2005;

(2) Revises provisions pertaining to the offer of insurance coverage for the treatment of chemical dependency. This provision requires all health plans or policies that are individually underwritten or that provide coverage for specific individuals and their family members to provide coverage for the treatment of chemical dependency. The coverage: (a) must be subject to the same co-insurance, co-payments, and deductible factors that are applied to physical illnesses; (b) may be administered by a managed care program; and (c) may be delivered through a system of contractual arrangements. Various policies are excluded from this requirement; and

(3) Revises provisions contained in the Mental Health and Chemical Dependency Insurance Act. All health plans or policies that are individually underwritten or that provide coverage for specific individuals and their family members can offer the coverage listed in this act. Various policies are excluded from this requirement. These sections become effective January 1, 2005, and will expire on January 1, 2011.

Health carriers that offer health benefit plans in this state on or after January 1, 2005, are required to provide coverage for mental health conditions. This provision defines "mental health conditions" as those listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, except for chemical dependency conditions. Coverage for mental health conditions: (1) cannot have rates, terms, or conditions that place a greater financial burden on an insured for mental health treatment than for physical health treatment; (2) may be administered by a managed care program; and (3) may be delivered through a series of contractual arrangements. This provision does not apply to certain insurance policies, including individually underwritten insurance policies.

HB 869 -- VETERINARIANS

This bill changes the laws regarding the practice of veterinary medicine. The bill:

(1) Allows for the practice of veterinary medicine across state lines, as long as the person practicing across state lines is licensed to practice veterinary medicine in another state and the practice is limited to the rendering of documented opinions concerning diagnosis and treatment through electronic means. When receiving consultations across state lines, the ultimate authority and responsibility for the diagnosis and treatment of the patient remains with the primary care veterinarian licensed in this state;

(2) Expands the criteria for the application of a provisional license to practice veterinary medicine to include a person applying by grade transfer, reciprocity, or examination. A provisional license will not be issued to a person applying for a faculty license;

(3) Creates an inactive license status. Non-practicing veterinarians and veterinary technicians may make application to the Missouri Veterinary Medical Board requesting that their license be placed on inactive status. Applicants must file an affirmation with the board stating they will not engage in the practice of veterinary medicine. Any person who wishes to have their license brought back to active status must submit an application for renewal, pay the required fees, and provide evidence of completion of the required continuing education requirements;

(4) Requires all persons with expired licenses who are still eligible for renewal to provide evidence of completion of all continuing education requirements when making application for license renewal; and

(5) Allows veterinary technicians licensed in other states to make application for certification in Missouri by grade score transfer.

HCS HB 895 -- ROAD DISTRICTS

This bill allows Jasper County, upon voter petition, to disincorporate any special road district.

The bill contains an emergency clause.

HB 904 -- BULK TRANSFERS

This bill repeals Article 6 of the Uniform Commercial Code, regarding bulk transfers, as recommended by the National Conference of Commissioners on Uniform State Laws.

SCS HB 916 -- IDENTITY THEFT

This bill makes changes to the crimes of identity theft and false impersonation. The bill:

- (1) Makes it a class A misdemeanor when the identity theft results in the theft or appropriation of credit, money, goods, services, or other property valued at less than \$500. Current law sets a penalty of six months in jail for a first offense and does not refer to the value of the stolen property;
- (2) Makes attempted identity theft a class B misdemeanor;
- (3) Makes identity theft a class D felony when the value of the stolen property is more than \$500 but does not exceed \$1,000;
- (4) Makes identity theft a class C felony when the value of the stolen property is more than \$1,000 but does not exceed \$10,000;
- (5) Makes identity theft a class B felony when the value of the stolen property is more than \$10,000 but does not exceed \$100,000;
- (6) Makes identity theft a class A felony when the value of the stolen property exceeds \$100,000;
- (7) Makes identity theft a class A felony when the identity theft is performed for the purpose of committing a terrorist act;
- (8) Makes identity theft a class C felony when the identity theft is performed for the purpose of committing an election offense;
- (9) Makes the identity thief liable to the victim for civil damages of up to \$5,000 per incident or three times the amount of actual damages, whichever is greater;
- (10) Allows the victim to seek a court order restraining the identity thief from future acts that would constitute identity theft. In these actions, the court may award reasonable attorney fees to the plaintiff;

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(11) Clarifies that the estate of a deceased person may pursue civil remedies when the estate is a victim of identity theft;

(12) Sets a limitation on civil suits at five years and clarifies that a criminal conviction is not a prerequisite for a civil claim;

(13) Clarifies that identity theft does not include a minor's misrepresentation of age by using an adult person's identification;

(14) Clarifies that a criminal prosecution for identity theft may be conducted in any county where a victim or defendant resides, where the stolen property was located, or in any county where an element of the crime was committed;

(15) Makes a second offense of identity theft or attempted identity theft a class D felony when the value of the property is less than \$500;

(16) Creates the crime of trafficking in stolen identities, a class B felony. The crime is committed when a person possesses or transfers any means of identification for the purpose of committing identity theft. Unauthorized possession of a means of identification for five persons will be evidence of such intent; and

(17) Expands the crime of false impersonation to include the providing of a false identity to a law enforcement officer upon arrest. If the false identity is not discovered until after the person is convicted, the prosecutor must file a motion to correct the arrest records and court records. The bill also allows the court to order the expungement of the false arrest records for the person whose identity was used.

HB 923 -- MISSOURI FAMILY TRUST

This bill changes the laws regarding the Missouri Family Trust. The bill:

(1) Permits families and friends of Missouri residents and residents of adjacent states with mental or physical disabilities to establish a trust account;

(2) Requires all state agencies to disregard the trust as a resource when determining the eligibility of Missouri residents

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for assistance under Chapter 208, RSMo, unless prohibited by federal laws or regulations;

(3) Requires the board of trustees of the trust to advise, consult, and render service to state departments and agencies and to other nonprofit agencies that provide services to Missouri residents with a disability and have a tax-exempt status under Section 501(c)(3) of the federal Internal Revenue Code;

(4) Authorizes the trust to accept contributions from an account of a life beneficiary who dies. The amount of the contribution to the trust is subject to certain criteria;

(5) Requires any matters resolved by arbitration to be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The bill also allows any judgment on an arbitrator's award to be entered in any court of competent jurisdiction;

(6) Revises provisions pertaining to withdrawals of the principal balance from an account of a life beneficiary, the distribution of undistributed income, and the distribution of the principal balance to a charitable trust; and

(7) Allows any person, with the consent of the board, to establish a restricted account within a charitable trust and to determine the beneficiaries of the account.

SCS HCS HB 928 and HCS HB 1123 and HCS HB 1280 -- MOTOR VEHICLES

This bill stipulates that if an intermediate driver's license expires on a Saturday, Sunday, or legal holiday, the license will remain valid for five business days immediately following the expiration date. No person will be guilty of an offense of driving with an expired license within this five-day period.

Production of specialized license plates is prohibited until at least 200 applications for the specific plate and a fee up to \$5,000 is deposited with the Department of Revenue to defray the costs of implementing the specialty plate.

The bill also moves the statutory provisions regulating commercial motor vehicle registration from the Highway Reciprocity Commission to the Highways and Transportation Commission. The move was necessitated because of the reorganization under the Governor's Executive Order 02-03 (February 7, 2002). The Highways and Transportation Commission is allowed to establish procedures for the quarterly staggering of annual commercial motor vehicle registrations.

SCS HB 938 -- ANNUITY CONTRACTS

This bill amends the formula that may be used for determining the minimum present value of an annuity when it is terminated early. Current law requires these contracts to offer a minimum interest rate of 1.5%. The bill removes this minimum and allows these contracts to offer a rate that is tied to the five-year Constant Maturity Treasury Rate, as reported by the Federal Reserve. The sellers of annuities are allowed to continue to use the current formula until July 1, 2006. The current law expires on July 1, 2004.

HCS HB 947 -- ABATEMENT OF NUISANCES

This bill allows the cities of Cameron, Boonville, Sikeston, and Kirksville to order the abatement of weeds or trash when allowed to grow or accumulate more than once during a season or year in violation of an ordinance. The cost of removal may be billed on a special tax bill to be remitted to the collector with other taxes assessed against the property.

HCS HB 950 & 948 -- CLASSIFICATION OF COUNTIES

This bill increases the assessed valuation a county must maintain in order to move into a higher classification. The assessed valuation for counties of the first classification is increased from \$450 million to \$600 million. The assessed valuation for counties of the second classification is increased from \$300 million to \$450 million. All counties with an assessed valuation of less than \$450 million will be counties of the third classification. Any county that has the requisite assessed valuation to become a county of the first classification may choose to do so upon an affirmative vote of the county's governing body, even though the county has not had this valuation for five successive years as required under current law.

CCS#2 SCS HCS HB 959 -- BANKING

This bill changes the laws regarding financial services, including college savings programs; deceptive use of a financial institution's name; identity theft; restrictions on small loans; procedures for releasing a deed of trust; use of variable rate

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debt instruments by state bonding entities; and exemptions from attachment and execution.

COLLEGE SAVINGS PROGRAMS

The College Tuition Savings Plan (also known as a "529 Plan") is expanded by establishing an additional savings plan, to be known as the Missouri Higher Education Deposit Program. The deposit program allows any bank in Missouri to establish savings accounts as part of a 529 Plan. State employees may request automatic payroll deductions for deposit into these accounts. Annual contributions made to savings programs up to \$8,000 will be subtracted from the participant's gross income, and any income earned by the investment will not be subject to state income tax. The deposit program must be administered in the same fashion as the current savings program. These provisions will expire six years from the effective date.

DECEPTIVE USE OF A FINANCIAL INSTITUTION'S NAME

A cause of action for the deceptive use of the name of another financial institution is created. A financial institution may sue any person or entity that creates a misleading advertisement or solicitation by including their name without consent. A plaintiff prevailing in this action will be entitled to \$10,000 in statutory damages, plus any proven actual damages, attorney fees, and court costs.

IDENTITY THEFT

The bill changes the laws regarding the crime of identity theft. The bill:

- (1) Makes it a class A misdemeanor when the identity theft results in the theft or appropriation of credit, money, goods, services, or other property valued at less than \$500. Current law sets a penalty of six months in jail for a first offense and does not refer to the value of the stolen property;
- (2) Makes attempted identity theft a class B misdemeanor;
- (3) Makes identity theft a class D felony when the value of the stolen property is more than \$500 but does not exceed \$1,000;
- (4) Makes identity theft a class C felony when the value of the stolen property is more than \$1,000 but does not exceed \$10,000;
- (5) Makes identity theft a class B felony when the value of the

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stolen property is more than \$10,000 but does not exceed \$100,000;

(6) Makes identity theft a class A felony when the value of the stolen property exceeds \$100,000;

(7) Makes identity theft a class A felony when the identity theft is performed for the purpose of committing a terrorist act;

(8) Makes identity theft a class C felony when the identity theft is performed for the purpose of committing an election offense;

(9) Makes the identity thief liable to the victim for civil damages of up to \$5,000 per incident or three times the amount of actual damages, whichever is greater. Venue in this type of civil suit is proper in any county where any of the property stolen was located, where the defendant or victim resides, or in any county in which an element of a criminal charge of identity theft was committed;

(10) Allows the victim to seek a court order restraining the identity thief from future acts that would constitute identity theft. In these actions, the court may award reasonable attorney fees to the plaintiff;

(11) Clarifies that the estate of a deceased person may pursue civil remedies when the estate is a victim of identity theft;

(12) Establishes a limitation on civil suits at five years and clarifies that a criminal conviction is not a prerequisite for a civil claim;

(13) Clarifies that identity theft does not include a minor's misrepresentation of age by using an adult person's identification;

(14) Clarifies that a criminal prosecution for identity theft may be conducted in any county where a victim or defendant resides, where the stolen property was located, or in any county where an element of the crime was committed;

(15) Makes a second offense of identity theft or attempted identity theft a class D felony when the value of the property is less than \$500; and

(16) Creates the crime of trafficking in stolen identities, a class B felony, and is committed when a person possesses or

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transfers any means of identification for the purpose of committing identity theft. Unauthorized possession of a means of identification for five persons will be evidence of the intent.

DEEDS OF RELEASE

Several changes are made to the law regarding a deed of release on a mortgage. Current law requires the lender to issue a release to the borrower within 15 business days. The bill lengthens this time frame to 45 calendar days and allows the lender to have the document recorded, rather than sent to the borrower. If the document cannot be recorded for any reason, the lender will have an additional 60 days to file a document that can be recorded. The bill limits the damages that may be awarded for noncompliance to \$300 per day or 10% of the amount of the loan, whichever is less.

SMALL LOANS

The bill changes the laws regarding small loans and increases from \$6 to \$15 the maximum amount which may be charged as an expeditor fee. The expeditor fee is money collected by a third party to expedite the retrieval of a debtor's motor vehicle title from the Department of Revenue. The bill repeals a provision allowing a \$10 charge as a late payment fee and allows lenders to collect a fee in advance for allowing the debtor to defer monthly loan payments of \$600 or more. The fee may be between \$25 to \$50, but not more than 10% of the payments deferred. This provision does not apply to pre-computed loans.

STATE BONDING ENTITIES

The Board of Fund Commissioners and the State Board of Public Buildings is authorized to issue and refinance existing financial instruments, converting them into variable rate issuances and other financial arrangements. Up to 20% of the state's outstanding debt may be variable rate debt.

ATTACHMENT AND EXECUTION EXEMPTIONS

The bill increases the exemption from attachment and execution for certain belongings including household goods, from \$1,000 to \$3,000; value of any other property of any kind from \$400 to \$600; wedding rings up to \$1,500; tools of a trade, from \$2,000 to \$3,000; motor vehicles in the aggregate, from \$1,000 to \$3,000; mobile homes not attached to real estate in which the debtor has a fee interest, from \$1,000 to \$5,000; alimony, from \$500 to \$750 a month; and the exemption for being the head of a household, from \$850 plus \$250 for each dependent to \$1,250 plus \$350 for each dependent, including dependents who are determined to be disabled.

SCS HB 960 -- MEMORIAL HIGHWAYS AND BRIDGE DESIGNATIONS

This bill makes the following memorial highway and bridge designations:

- (1) The portion of U. S. Highway 60 one mile east of U. S. Highway 65 to the U. S. Highway 60 and 65 intersection in Greene County as the "Trooper Russell Harper Memorial Highway";
- (2) The portion of U. S. Highway 54 from U. S. Highway 179 to one mile south of their intersection in Cole County as the "Trooper Dennis H. Marriott Memorial Highway";
- (3) The bridge on State Route 7 crossing over State Route B in Cass County as the "Trooper Wayne W. Allman Memorial Bridge"; and
- (4) The bridge on State Route 30 in Franklin County as the "Brown-Stinson Memorial Bridge."

HB 970 -- LICENSES OF DENTISTS AND DENTAL HYGIENISTS

This bill changes the laws regarding the practice of dentistry. The bill:

- (1) Allows for the practice of dentistry across state lines, as long as the person practicing across state lines is licensed to practice dentistry in another state and the practice is limited to the rendering of documented opinions concerning diagnosis and treatment through electronic means. When receiving consultations across state lines, the ultimate authority and responsibility for the diagnosis and treatment of the patient remains with the primary care dentist licensed in this state;
- (2) Authorizes the State Dental Board to issue specialist licenses without an examination to applicants who have been certified in any specialty by an examining board recognized by the American Dental Association or the Council on Dental Accreditation;
- (3) Allows for issuance of specialized licenses for dentists who hold specialty licenses in other states, as long as they are licensed in this state and the educational requirements for their specialized licenses are the same or exceed those of this state;
- (4) Gives the board the authority to create specialization committees for each specialty recognized by the American Dental

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Association. The committees will assist the board in establishing criteria and evaluating applicants for specialty licenses;

(5) Requires that all specialty licenses be subject to sanctions and licensees pay the fees as specified by the board;

(6) Requires all dentists and dental hygienists to complete all continuing education requirements prior to the license renewal. Failing to do so, without reasonable cause, will result in the license being sanctioned by the board;

(7) Requires a dentist or dental hygienist who has allowed their license to lapse for more than four years to make an application and take all licensing examinations required by the board; and

(8) Specifies the disposition of complaints brought before the Administrative Hearing Commission by the board regarding licensees who present a clear and present danger to the health and safety of the public at large.

HB 975 -- LAND TRUSTS

This bill changes the laws regarding land trusts in charter counties. The bill:

(1) Makes the taxing authority the sole beneficiary of the property sold by the land trust. Under current law, other tax bill owners and holders may receive a portion of the funds from the sale of the property;

(2) Removes the requirement that the land trust commissioners have the property appraised;

(3) Allows the commissioners to charge the actual cost of copying the list of property suitable for private use. Under current law, the commissioners may charge \$1;

(4) Removes the requirement that the land trust maintain accounts on the operation, management, or other expenses of each individual parcel of property; and

(5) Removes the requirement that proceeds from the sale of the land be applied to the judgment originally entered against the property and any cost of its operation and management.

Under current law, excess funds in the land trust are used for the land trust operation and distributed to the taxing authority and any tax bill owners. The bill directs all excess funds to the land trust budget and the taxing authorities.

CCS#3 SS HS HCS HB 978 -- SMALL BUSINESS REGULATORY FAIRNESS
BOARD

This bill establishes the Small Business Regulatory Fairness Board, which will work with agencies and small businesses on issues concerning the impact of agency rules and regulations on small businesses. The bill outlines the membership of the board. All members of the board, except for the chair of the minority business advocacy committee, must be current or former small business owners.

"Small business" is defined as a for-profit enterprise with fewer than 50 full- or part-time employees. The bill requires state agencies to determine whether proposed rules affect small businesses prior to submitting or filing proposed rules with the Secretary of State's office. For proposed rules that affect small businesses, the agency must prepare an impact statement which will be submitted with the proposed rules to the board on the day the proposed order is filed. The bill outlines the requirements of the impact statement. Rules that are required to have a small business impact statement but do not are invalid, and the Secretary of State cannot publish the rule.

Any small business may ask the board to provide recommendations for the adoption, amendment, or repeal of a rule; and the board may hold a hearing or solicit testimony to assist in making its determination. Within 60 days of receipt of the recommendations, the agency will determine whether the rule should be adopted, amended, or repealed based on specific factors.

The board must submit an evaluation report to the Governor and the General Assembly including any recommendations and evaluations of state agencies regarding regulatory fairness for small businesses.

The bill outlines occasions when an agency will waive or reduce any administrative penalty or fine for violation of any statute, ordinance, or rule by a small business.

The Director of Revenue is required to notify the professional licensee within 10 business days of notifying the governmental entity when a delinquency has been remedied. The bill suspends a professional license instead of revoking it when the licensee has a tax delinquency.

SS#2 HCS HB 980 -- ENVIRONMENTAL RULES

This bill requires after the bill's effective date that all rules promulgated or amended by the Department of Natural Resources and certain related boards and commissions that prescribe environmental conditions or standards cite the specific section of law or legal authority for the rule. The rule must also be based on a regulatory impact report. The criteria for the report which must be published in a qualified newspaper and posted on the agency, board, or commission's web site is outlined. Sixty days must be allowed for public comment before promulgating the rule. The report must be filed with the Joint Committee on Administrative Rules. Rules may be adopted within certain limitations without a regulatory impact report if immediate action is necessary to protect human health, public welfare, or the environment. Rules may also be adopted that are equivalent to federal rules.

The department may not include in a permit any requirement not codified by regulation or statute and is required to submit all permits to the applicants in ample time for their final review before public comment. If the department denies a permit, the basis for the denial is required to be clearly stated and once a permit is issued it may not be modified or revoked without the permission of the applicant for one year, unless the department determines that action is necessary to protect human health, public welfare, or the environment.

The bill prohibits the use of moneys in the Water and Wastewater Pollution Loan Fund, Water Pollution Permit Fee Subaccount of the Natural Resources Protection Fund, Water and Wastewater Loan Revolving Fund, or any state revolving fund established for purposes of the federal Clean Water Act or the federal Safe Drinking Water Act to pay any portion of a refund pursuant to Article X, Section 18, of the Missouri Constitution.

HCS HB 985 -- REAL ESTATE

This bill changes the laws regarding the practice of real estate. The bill:

- (1) Adds Internet web sites to the licensing exemption, when in the case of advertising real estate, the advertising is incidental to their normal business operations;
- (2) Removes the requirement of having on file with the Real

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Estate Commission a certified copy of a currently effective statement of record from the Office of Interstate Land Sales when land developers sell their own property;

(3) Allows the commission to issue temporary work permits to individuals who have satisfied all licensing requirements prior to the final review and issuance of their license;

(4) Grants entities providing continuing education the authority to do so by means of distance delivery;

(5) Gives the commission the authority, when conducting investigations of complaints involving affiliated licensees, to forward copies of the information regarding the complaint to the affiliated licensee's broker;

(6) Gives the commission authority, when a licensee fails to renew or surrender his or her license and the commission finds the licensee to be in violation of certain provisions, to cause complaints to be filed with the Administrative Hearing Commission;

(7) Increases the amount of compensation each member of the commission receives from \$50 to \$75;

(8) Requires designated brokers who have affiliated licensees to adopt a written policy describing their relationships in regard to their real estate activities; and

(9) Repeals the provisions relating to escrow agents.

HCS HB 988 -- COUNTY POLITICAL PARTY COMMITTEES

This bill increases the number of county political party committee members to be elected from the second and third most populous townships outside Kansas City in Jackson County.

HB 994 -- CRIMINAL CASE SURCHARGES IN THE THIRTIETH JUDICIAL CIRCUIT

Under current law, a surcharge up to \$10 may be collected in all criminal proceedings filed in the 30th Judicial Circuit if the surcharge was authorized by a county or municipal order, ordinance, or resolution adopted prior to January 1, 1997. This

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bill removes the restriction that the authorizing order, ordinance, or resolution must have been adopted prior to January 1, 1997.

The bill also extends the sunset date for this section from January 1, 2005, to January 1, 2010.

SCS HB 996 and HB 1142 and HCS HB 1201 and HB 1489 -- MOTOR VEHICLES

This bill changes the laws regarding motor vehicles.

SCHOOL BUS FRAMES

The State Highway Patrol is required to include the frames on school buses as part of the annual school bus inspection.

LOW-SPEED VEHICLES

Operators of low-speed vehicles are allowed to use public highways under certain conditions. A low-speed vehicle is a four-wheeled vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards. It cannot be operated on a street or highway with a posted speed limit greater than 35 miles per hour. The vehicle will be exempt from inspection and emission testing, but must comply with the federal standards. Every operator of a low-speed vehicle must maintain financial responsibility and have a driver's license. Cities and counties may promulgate ordinances which are more stringent than the provisions in the bill.

DISPOSAL OF DAMAGED VEHICLES

The City of Kansas City is allowed to adopt by ordinance regulations for the removal and sale of abandoned property by requiring:

- (1) The Department of Revenue to search the records to determine ownership of the abandoned property;
- (2) Notification to the owner by mail advising of the towing and impoundment;
- (3) Vehicles older than six years and more than 50% damaged by

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collision, fire, or decay that are valued at less than \$200, be held at least 10 days before being sold to a licensed salvage or scrap business; and

(4) All other vehicles be held at least 30 days before being sold.

ALL-TERRAIN VEHICLES

The definition of "all-terrain vehicle" (ATV) is changed to include ATVs weighing up to 1,000 pounds and ATVs with a seat designed to carry more than one person. The bill also specifies that current provisions for ATVs which prohibit carrying a passenger will not apply to ATVs designed to carry more than one person.

EXEMPTIONS FROM EMISSIONS PROCESS

All vehicles manufactured 26 years or more prior to the current model are exempted from vehicle emission testing.

BUMPER HEIGHTS

The bill adds a new maximum bumper height of 29 inches for the front bumper and 31 inches for the rear bumper for noncommercial motor vehicles with a gross vehicle weight rating of 9,001 pounds through 11,500 pounds.

SS HCS HB 998 & 905 -- MOBILE HOME LEASE COMMUNITIES

This bill requires mobile home park landlords to provide notice to mobile homeowners 120 days or the remaining period on their lease when that is more than 120 days before demanding that they vacate the property due to a change in the use of the property. Landlords are prohibited from raising the rent within 60 days of providing the notice, except for a rent increase based solely on an increase in property taxes.

SCS HB 1029 and HB 1438 and HB 1610 -- HIGHWAY DESIGNATIONS

This bill makes the following highway designations:

(1) The portion of Interstate 70, between mile marker 69 and 123 in Saline, Cooper, and Boone counties as the "U. S. Submarine Veterans' Memorial Highway";

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(2) The portion of State Highway J in Lincoln County from the intersection of State Highway J and State Highway 47 to the intersection of State Highway J and State Highway U as the "Veteran Highway";

(3) The portion of U. S. Highway 67 in St. Francois County between State Route 8 in Desloge and State Route 32 in Leadington as the "Deputy Steven R. Ziegler Memorial Highway"; and

(4) The portion of U. S. Highway 67 in St. Francois County between Desloge and Bonne Terre as the "Trooper Jesse R. Jenkins Memorial Highway."

HB 1047 -- THIRD CLASS CITIES

This bill allows the city council in certain third class cities to set their salaries by ordinance. Currently, council members receive \$100 per year.

CCS SS HCS HB 1055 -- CRIMES

This bill changes the laws regarding sexual offenses, assault on law enforcement officers, and the payment of restitution for criminal offenses.

In the provisions regarding sexual offenses, the bill:

(1) Makes possession of child pornography a class D felony for a first offense and a class C felony for any subsequent offense. Under current law, it is a class A misdemeanor for a first offense and a class D felony for a second or subsequent offense;

(2) Makes the crime of furnishing pornographic material to minors a class D felony when the offender has a prior conviction for a violation of Chapters 566, 568, or 573, RSMo. Under current law, the crime is a class D felony only upon a second or subsequent conviction for the offense;

(3) Adds several pornography offenses to the list of crimes which require a person to register as a sexual offender;

(4) Clarifies that a plea of nolo contendere is considered the same as a plea of guilty in terms of the sex offender registry;

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(5) Requires sex offenders to successfully complete a sex offender treatment program. Current law requires only that the offenders participate in the program;

(6) Prohibits any person who has been convicted of certain sex-related crimes from residing within 1,000 feet of a school or a child care facility. Violation of the provision is a class D felony. A second or subsequent offense is a class B felony. If a school or child care facility is opened within 1,000 feet of where an offender already resides, the person must notify the sheriff of this fact within one week. Failure to do so is a class A misdemeanor. A subsequent offense is a class D felony;

(7) Makes it a class D felony to fail to register as a sex offender when the person has been convicted of a sex crime which is an unclassified felony, a class A felony, a class B felony, or any felony involving a child under the age of 14. A second or subsequent offense is a class C felony. Under current law, the first offense is a class A misdemeanor, and a second or subsequent offense is a class D felony;

(8) Allows sheriffs to collect a fee from sex offenders at the time of the offender's registration. At the offender's initial registration, the fee can be up to \$10. For every subsequent change in registration, the fee is \$5;

(9) Requires probation and parole officers who are assigned to a registered sex offender to notify the sheriff when learning of the sex offender's intent to change residency. The officer must also notify the offender of his or her duty to register upon changing residency. The bill clarifies that the term "probation officer" includes any private entity providing probation supervision services;

(10) Expands the crime of sexual misconduct in the second degree to include when a person has sexual contact while in a public place in the presence of another person;

(11) Expands the crime of sexual misconduct in the third degree to include when a person requests another person to engage in sexual conduct while in a public place in the presence of another person;

(12) Lengthens the statute of limitation for most sexual offenses in which the victim is age 18 or younger. Under current law, the statute of limitation is 10 years after the victim reaches age 18. The bill lengthens the limitation to 20 years after the victim reaches age 18. The limitation applies to all

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sexual offenses in which the victim is under the age of 18, except for the crimes of rape and sodomy for which there is no statute of limitation;

(13) Adds child pornography to the list of crimes involving children that may be investigated by the State Technical Assistance Team within the Department of Social Services;

(14) Lengthens the statute of limitation on civil claims for damages caused by sexual abuse suffered as a child. Under current law, a claim must be brought within three years from the date the victim should have discovered the injury or illness or within five years of the victim's eighteenth birthday, whichever occurs later. The bill lengthens the time to within 10 years from the victim's twenty-first birthday; and

(15) Prohibits persons providing sexual offender assessment services from being related within the third degree of consanguinity to anyone who has a financial interest in a private sexual offender treatment program.

The crime of assault on a law enforcement officer is revised. The bill makes it a class C felony when a person:

(1) Knowingly causes physical injury to a law enforcement officer by means other than a deadly weapon;

(2) Acts with criminal negligence and causes physical injury to a law enforcement officer by means of a deadly weapon. Under current law, this crime is a class A misdemeanor;

(3) Acts with criminal negligence and creates a substantial risk of death or serious physical injury to a law enforcement officer. Under current law, this crime is a class A misdemeanor; and

(4) Purposely or recklessly places a law enforcement officer in apprehension of immediate serious physical injury. Under current law, this crime is a class A misdemeanor, though the immediate physical injury need not be serious.

A mechanism for county law enforcement agencies to receive restitution from criminals is created. The bill allows counties to establish by ordinance the county law enforcement restitution fund, to defray some of the costs incurred by law enforcement agencies. In those counties where the fund is established, the court may order the offender to pay restitution up to \$300 to the fund for any offense. The court cannot order restitution to the fund for infractions, class C misdemeanors, or certain traffic

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offenses. The court may revoke probation if, after a hearing, the court determines the defendant willfully refused to pay or willfully failed to make sufficient efforts to acquire the resources to make the payment. The fund may only be used for specified law enforcement expenditures and will be supervised by a board of five trustees appointed by certain county officials. The bill prohibits county commissions from reducing any law enforcement agency's budget as a result of the funds received for restitution. The judge cannot have any authority over the administration of the fund, and it is subject to an audit.

HB 1070 -- SCHOOL EMERGENCY PREPAREDNESS PLANS

This bill gives authority to school districts to adopt emergency preparedness plans for the use of school resources during natural disasters or other community emergencies. Resources may include food assistance through the use of federal commodity foods and the use of school buildings and buses. The use of resources under an emergency plan is subject to review by the local board of education within 30 days of the authorization or as soon as reasonably possible.

SCS HB 1071, 801, 1275 & 989 -- LAND CONVEYANCES

This bill authorizes several land conveyances. In its main provisions, the bill:

(1) Authorizes the Governor to convey the National Guard Armory Building located in Lawrence County to the City of Pierce City. Upon conveyance, the building will be known as the Ray A. Carver Building. This section contains an emergency clause;

(2) Authorizes the Governor to sell certain state property located in Pettis County under the terms and conditions established by the Department of Elementary and Secondary Education;

(3) Authorizes the Governor to convey the National Guard Armory located in Newton County to the City of Neosho. The deed provides for a perpetual easement to the American Legion Post #163 located in Neosho for the use of the premises;

(4) Authorizes the Governor to convey the National Guard Armory Building and the adjoining parking lot located in Dent County to the City of Salem. This section contains an emergency clause;

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(5) Authorizes the Governor to convey a strip of land to the City of Joplin that was inadvertently omitted from a previous conveyance; and

(6) Authorizes the Governor to convey the Felix Building located in Jackson County to the Truman Medical Center.

HCS HB 1074 & 1129 -- CROSS BURNING

This bill makes it a crime to burn a cross with the intent to intimidate any person. The crime is a class A misdemeanor, and a second or subsequent offense is a class D felony.

HCS HB 1090 -- PROPERTY INSURANCE

Under current law, a person may receive real property by a transfer on death clause in the deed. This bill makes the recipient automatically insured under the property insurance policy in effect at the time of the original owner's death. Coverage will last for 30 days or until the existing policy period ends, whichever occurs first.

HCS HB 1099 -- MATERIAL RECOVERY PROCESS EXEMPTION

This bill authorizes a sales/use tax exemption for certain gases, liquids, and solids necessary to effect a manufacturing conversion or material recovery. All entities involved in the manufacturing and material recovery of a product are allowed to claim the sales/use tax exemption.

HB 1107 -- PROPERTY ADJACENT TO TRANSPORTATION DISTRICTS

This bill permits owners of property adjacent to transportation districts to petition the court by unanimous petition to add their property to the district. Any property will be subject to all projects, taxes, and special assessments in effect at the time it is added. The owners of the added property will be allowed to vote at subsequent elections to fill vacancies on the board and other issues. The owners of the property added under the bill will have one vote per acre.

HB 1114 -- SPECIAL LICENSE PLATES

This bill allows for special license plates designated "TO PROTECT AND SERVE" and "FIREFIGHTERS MEMORIAL" for any peace officer or firefighter wounded in the line of duty or survivors of peace officers or firefighters killed in the line of duty.

To obtain these plates, a person must make application and furnish proof of eligibility to the Department of Revenue and pay a \$15 fee in addition to the registration fee and any other documents required by law. No additional fee will be charged for the personalization of these plates.

HCS HB 1115 -- COMMONSENSE CONSUMPTION ACT

This bill prohibits civil lawsuits against manufacturers, distributors, and sellers of food for any claims arising out of weight gain, obesity, or health conditions associated with weight gain or obesity. Exceptions to this prohibition are provided for certain violations of state and federal law. Rules for pleadings and the procedure for filing a lawsuit pursuant to an exception are specified.

The bill becomes effective January 1, 2005, and applies to all claims pending or filed after that date.

HB 1126 -- WATERSHED SUBDISTRICT DETACHMENTS

Currently, after a watershed subdistrict has been organized and the organization tax has been levied, any county in the subdistrict not adopting the annual tax may detach from the subdistrict upon a majority approval of the qualified voters residing within the subdistrict in the county. This bill changes the requirement to a majority approval of the voters voting on the detachment within the subdistrict in the county.

SCS HCS HB 1136 -- VITAL RECORDS; DISPOSITION OF FETAL REMAINS

In the event of a spontaneous fetal death, this bill authorizes the parents or a sibling of the stillborn child to file an application with the State Registrar for a Certificate of Birth Resulting in Stillbirth. The certificate will be based on

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information obtained from the spontaneous fetal death report filed pursuant to Section 193.165, RSMo.

The certificate is required to contain the statement, "This is not proof of a live birth" in 12-point type. The bill allows the State Registrar or other custodians of vital records to charge a minimal fee for the costs of preparing the certificate. Any parent or, if the parents are deceased, any sibling of the stillborn child may file an application for a certificate for any birth that resulted in stillbirth prior to August 28, 2004.

The bill also establishes the Disposition of Fetal Remains Act. The bill:

(1) Requires that the mother of a dead human fetus determine the final disposition of the remains of the fetus in every instance of fetal death. The mother is allowed to choose any means of final disposition authorized by law or by the Director of the Department of Health and Senior Services;

(2) Authorizes the final disposition of human fetal remains by cremation, burial, incineration in an approved medical waste incinerator, or other means approved by the director. The disposition must be consistent with state law or administrative rules. If the disposition occurs by incineration, the remains must be incinerated separately from medical waste;

(3) Does not require a religious service or ceremony to be held;

(4) Requires licensed hospitals and other licensed health care facilities to adopt written standards for the disposition of human fetal remains. Licensed health care facilities are required to provide the mother with a copy of their written standards;

(5) Requires licensed hospitals or other licensed health care facilities to notify the mother within 24 hours of her right to determine the final disposition and the methods of final disposition of the fetal remains. The 24-hour notification is required if a miscarriage occurs at the facility; and

(6) Requires the licensed health care facility to provide on-site counseling services to the mother or refer the mother to an appropriate provider of counseling services concerning the death of the fetus.

The bill does not prohibit a woman's ability to obtain a legal abortion.

HB 1149 -- MEMORIAL BRIDGE

This bill names the bridge on Interstate 44 crossing the Little Piney Creek in Phelps County as the "Trooper Mike L. Newton Memorial Bridge."

HB 1167 -- SPECIAL LICENSE PLATE

This bill allows for a special license plate for members of the Missouri Foxtrotting Horse Breed Association.

To obtain this plate, individuals must obtain an emblem-use authorization statement from the association (\$25 contribution) and present it to the Department of Revenue along with a \$15 fee in addition to the registration fee and any other documents required by law. Revenue from contributions will be used solely for the purposes of the Missouri Foxtrotting Horse Breed Association.

HCS HB 1171 -- JOINT MUNICIPAL UTILITY PROJECTS

Voters approved a constitutional amendment in 2002 allowing joint municipal utility commissions to develop utility projects with municipalities, electric cooperatives, or public utilities without additional regulation by the Missouri Public Service Commission. This bill codifies the Revised Statutes of Missouri to reflect these changes.

SCS HCS HB 1177 -- CONCENTRATED ANIMAL FEEDING OPERATIONS

This bill modifies the statutes on concentrated animal feeding operations (CAFO) making Missouri's regulations consistent with federal regulations. The bill:

(1) Requires the Missouri Clean Water Commission to promulgate rules regulating the establishment, permitting, design, construction, operation, and management of CAFOs;

(2) Requires that regulatory or local controls imposed by any form of local government concerning the establishment, permitting, design, construction, operation, and management of an animal feeding operation must be consistent with the provisions

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of the bill. Local governing bodies, however, may impose controls if prior to imposing the controls, a recommendation based on peer-reviewed scientific and economic data clearly documenting the geological, environmental, and economic impact of the controls is requested from the respective soil and water district board. If no recommendation is received within 180 days of the request, the local governing body may impose the more restrictive controls;

(3) Permits the Department of Natural Resources to designate an animal feeding operation as a CAFO if it is determined to be a significant contributor of pollutants to the waters of the state; and

(4) Clarifies that the terms "point source" and "water contaminant source" as defined for the purposes of the Missouri Clean Water Law are not to include agricultural storm water discharges and return flows from irrigated agriculture.

HCS HB 1179 -- CRIMINAL CASE SURCHARGES

Under current law, a \$2 surcharge is collected in certain criminal cases to be used to develop biometric verification systems for identifying and tracking inmates within local jail systems. This bill allows the funds to also be used for other expenses related to housing prisoners after the installation of the biometric verification system.

CCS SS SCS HCS HB 1182 -- TAX CREDITS

This bill allows the following tax credits to be taken against estimated quarterly taxes paid:

(1) Credits for investments in eligible new generation cooperatives or eligible new generation processing entities; and

(2) Credits received for contributions to the Agricultural Product Utilization Grant Fund.

Eligible new generation cooperatives, eligible new generation processing entities, and agricultural product utilization contributor tax credits are added to the restriction that the tax credits taken against insurance premiums will not reduce moneys transferred to the county stock insurance fund.

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The required number of employees in an employee-qualified capital project is decreased from 100 to 60 in order for investors to receive a New Generation Cooperative Incentive Tax Credit.

Transfers of certain property by Bi-State Metropolitan District and the Kansas City Area Transportation District Authority are exempt from real and personal property taxes and state and local sales and use taxes.

The bill expands the definition of "eligible industry" as it relates to the Business Use Incentives for Large-Scale Development (BUILD) Program to include a tax preparation company headquarters in Kansas City as long as the company creates 100 new jobs for eligible employees and invests at least \$15 million in an economic development project. The cap for the tax credit is increased from \$11 million to \$11,950,000 for the tax preparation company headquartered in Kansas City.

HB 1187 -- MARINA OPERATIONS IN CLAY COUNTY

Under current law, Clay County is required to request bids for the private operation of one marina if the county owns or operates more than two marinas. This bill removes that requirement.

SCS HB 1188 -- CRIMINAL CASE FEES

This bill clarifies that various costs assessed in criminal cases must also be assessed in those cases in which a defendant pleads guilty. Many existing statutes use the term "convicted," creating an ambiguity as to whether costs are to be assessed in cases where the court grants a suspended imposition of sentence and the defendant's record is expunged upon the successful completion of a probationary period.

The list of misdemeanor offenses for which a \$10 fee is assessed for the Crime Victims' Compensation Fund is amended to include all misdemeanors, except for driving offenses, watercraft regulations, and fish and game offenses. Current law lists 14 chapters of law for which the fee is assessed.

An existing provision is repealed that requires court clerks to report delinquent payments to the Department of Revenue by October 1 of each year.

SCS HCS HB 1192 -- MEAT INSPECTIONS AND ANIMAL HEALTH

This bill requires the Director of the Department of Agriculture to promulgate rules consistent with the Federal Meat Inspection Act, the Federal Poultry Products Inspection Act, and all related federal regulations necessary to implement the meat inspection programs of the state.

Currently, donated venison must be processed in a facility that is inspected by the United States Department of Agriculture. The bill allows it to be inspected by the Missouri Department of Agriculture.

Obsolete provisions regarding animal health are repealed.

SCS HS HB 1193 -- NOTARIES PUBLIC

This bill changes the laws regarding notaries public. In its main provisions, the bill:

- (1) Removes the requirement that applicants provide their Social Security number on the application;
- (2) Requires applicants to list misdemeanor convictions on the application when the misdemeanor is incompatible of the notary duties;
- (3) Requires applicants to complete computer-based or other notary training prior to submitting an application;
- (4) Details the information that notaries must record in their required journals;
- (5) Provides that effective August 28, 2004, the Secretary of State will issue a commission number for all new and renewal notary appointments. The commission number must be included on every notary certificate;
- (6) Requires that a request for an amended commission must be made within 30 days of the change necessitating the amendment;
- (7) Allows notaries to charge a travel fee separate from the notarial fee and a fee of up to \$25 for expedited convenience service;
- (8) Requires notaries to notify the Secretary of State immediately if their notary seal is stolen; and
- (9) Clarifies the powers of the Secretary of State to administer the notary public laws.

SS SCS HS HCS HB 1195 -- PROFESSIONAL REGISTRATION

This bill changes the laws regarding the licensing of certain professions.

EXTERNAL DEFIBRILLATORS

Any person or entity which owns an automated external defibrillator used outside of a health care facility must have a physician review all protocols.

PRIVATE FIRE INVESTIGATORS

The Board of Licensed Private Fire Investigator Examiners is created within the Division of Fire Safety in the Department of Public Safety. All persons wishing to act as private fire investigators are required to be licensed by the board. Certain professions are exempted from licensure requirements.

The bill also contains provisions pertaining to the powers and duties of the board, licensing applications, fees, advertising, fraud, making false statements, manufacturing evidence, and affiliations with government agencies. The board is also authorized to conduct investigations; issue subpoenas; suspend, revoke, and deny licenses; and cause complaints to be filed with the Administrative Hearing Commission.

LICENSED PROFESSIONAL COUNSELORS; CLINICAL SOCIAL WORKERS

Licensed professional counselors and clinical social workers holding licenses in other states are allowed to make application for a Missouri license if they pass a written examination and meet certain criteria.

MARITAL AND FAMILY THERAPISTS

Persons are prohibited from using the title or saying they are marital and family therapists or provisional marital and family therapists without being duly licensed by the State Committee of Marital and Family Therapists. The bill allows marital and family therapists holding licenses in other states to make application for a Missouri license if they pass a written examination and meet certain criteria.

HOSPITAL LICENSES

The Department of Health and Senior Services will not license a facility as a hospital which is devoted primarily to conducting certain specialty procedures until August 28, 2005.

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ELECTRICAL CONTRACTORS

A person holding an electrical contractor license issued by any political subdivision in this state, whose requirements are equal to or exceed the requirements of St. Louis County, will be valid in any political subdivision in this state.

The bill contains a severability clause.

HCS HB 1198 -- INSURANCE HOLDING COMPANIES

This bill subjects holding companies for property and casualty insurers to the same extraordinary dividend restrictions and requirements as holding companies for life and title insurers. The bill also clarifies net income as excluding net realized capital gains to the extent that realized capital gains exceed realized capital losses.

SS HS HCS HB 1207 -- LEVEE DISTRICTS

This bill allows the formation of a levee district in any city, town, or village that is not located in St. Charles County; however, third and fourth class cities in St. Charles County will be allowed to form levee districts. Under current law, levee districts can be formed in one or more counties, in a third or fourth class city, and in certain other cities. These changes cannot be construed to enhance or limit the current law with regard to where a levee district may or may not be formed.

Certain levee districts in St. Louis County are allowed to construct and maintain waterlines, in addition to their current authority to construct and maintain sewers, levees, dikes, dams, and other similar projects.

Under current law, levee districts located within St. Louis County are allowed an alternative procedure with respect to the apportionment of installment taxes. The bill extends this procedure to all levee districts.

HCS HB 1209 -- OFFICIAL STATE DINOSAUR (Jetton)

This bill names the *Hypsibema missouriensis* as the official state dinosaur.

SCS HCS HB 1215 -- ESCAPE FROM COMMITMENT

This bill makes it a class D felony for a person who has been civilly committed as a sexual predator to escape from commitment. The crime also applies to any person who has been taken into custody or detained for the purpose of adjudicating this type of civil commitment.

The bill contains an emergency clause.

SCS HB 1217 -- POLICE RELIEF AND PENSION SYSTEMS

This bill changes the laws regarding the St. Louis and Kansas City Police Retirement Systems.

Six trustees of the Board of Trustees of the St. Louis Police Retirement System will constitute a quorum for the transaction of business, and official actions of the board will require a majority vote of the trustees present. Currently, six votes of the trustees are necessary for official actions.

The Retirement Board of the Kansas City Police Civilian Employees' Retirement System is required to appoint any member as a special consultant if they meet specific criteria which include: (1) having a retirement status effective on or before August 28, 2003; (2) receiving retirement benefits; and (3) having applied to the board. The bill also requires a funeral benefit of \$1,000 be paid in addition to all other benefits for this member. Proper proof of death is required before the benefit is paid.

HCS HB 1233 -- SUBROGATION RIGHTS OF PUBLIC ENTITIES

This bill allows public entities that self-insure for their health care benefits to subrogate in the same manner, with the same rights, obligations, and available remedies that the Department of Social Services has with the Medicaid Program.

HCS HB 1246 -- CHIROPRACTORS

This bill changes the laws regarding the practice of chiropractic. The bill:

(1) Allows for the practice of chiropractic across state lines. Chiropractors licensed in other states are not required to obtain a Missouri license to practice chiropractic while in consultation with a chiropractor licensed to practice in this state as a result of the transmission of patient data through electronic or other means. The chiropractor licensed in this state retains ultimate authority and responsibility for the diagnosis and treatment of the patient;

(2) Removes the equivalent reciprocal licensing requirements which allow licensees from other states to be eligible for licensure in Missouri without examination;

(3) Allows licensed chiropractors to make application with the State Board of Chiropractic Examiners for certification in meridian therapy/acupressure/acupuncture. The board is authorized to establish minimum requirements for the specialty certification;

(4) Increases from three to five years the time a licensee may let their license lapse before being required to attend an accredited chiropractic college to have their license reinstated;

(5) Authorizes the board to create the requirements necessary to gain inactive status and for inactive licenses. Persons having discontinued their licenses because of retirement will be allowed to practice on themselves and their immediate family. Persons holding inactive licenses are not required to comply with continuing education requirements; and

(6) Creates record-keeping requirements. Licensees are required to maintain patient records for a minimum of seven years. All additions, corrections, and changes to any records must be made within 48 hours after the final entry made into the record and signed by the chiropractor. The board cannot initiate disciplinary action against a licensee solely on the basis of inadequate record keeping.

SCS HCS HB 1253 -- INSURANCE

This bill changes the insurance laws regarding the powers and duties of liquidators, mutual credits, debt set-offs, credits for reinsurance, and the Missouri Basic Property Insurance Inspection and Placement (FAIR) Program. The bill:

(1) Repeals provisions that limit the extent to which an insurer may set off debts in cases of an insurer's liquidation, insolvency, or rehabilitation;

(2) Repeals provisions clarifying that the statute supersedes the insurer's contractual terms in determining the setoff rights of any person under contract with the insurer;

(3) Repeals the sunset clause on a provision regarding payment from a reinsurer on the basis of estimated incurred but not reported losses;

(4) Clarifies that expert testimony concerning estimates of incurred but not reported losses may be received as evidence in any proceeding; and

(5) Increases the liability limits on residential property insurance policies issued under the FAIR Program from \$100,000 to \$200,000.

HB 1259 -- LICENSURE OF MOTOR VEHICLE DEALERS

This bill allows motor vehicle dealers or manufacturers to file, within one year, a complaint with the Administrative Hearing Commission if the Department of Revenue refuses to issue or renew their license.

SS#2 SCS HS HCS HB 1268 & 1211 -- EMPLOYEES

This bill requires the Division of Employment Security on a weekly basis to check Missouri unemployment compensation recipients against any federal database containing state wage information. Effective January 1, 2007, the division is required at least monthly to check unemployment compensation applicants and recipients with the Department of Revenue's driver license databases.

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The bill changes the laws regarding unemployment insurance. Those changes include:

(1) The terms "misconduct," "temporary employee," and "temporary help firm" are defined;

(2) For initial unemployment benefit claims filed after December 31, 2004, a worker is required to have been paid wages for insured work in the amount of \$1,200 or more; after December 31, 2005, \$1,300 or more; after December 31, 2006, \$1,400 or more; after December 31, 2007, \$1,500 or more in at least one calendar quarter of the worker's base period or in the alternative, a worker's wages in two quarters of the base period total exceeds one and one-half times any employer's taxable wage base;

(3) The state taxable wage base for calendar year 2005 will be \$10,000; \$11,000 in 2006 and 2007; and \$12,000 for year 2008 and thereafter. Effective January 1, 2009, the wage base will be determined by the balance in the Unemployment Compensation Trust Fund, less any outstanding Federal Title XII advances, credit instrument indebtedness, and any obligations related to financial agreements;

(4) If the balance in the fund is less than \$350 million, the state taxable wage base will increase by \$1,000. If the balance exceeds \$650 million, the wage base will decrease by \$500 for the subsequent calendar year. The wage base will not exceed \$12,000 until calendar year 2009 at which time the wage base will be \$12,000. For calendar year 2010 and thereafter, the maximum wage base will be \$13,000, and the minimum will be \$7,000;

(5) The maximum weekly benefit amount for years 2004 and 2005 will be \$250; \$270 for 2006; \$280 for 2007; \$300 for 2008; \$310 for 2009; and \$320 for 2010 and each year thereafter;

(6) The maximum number of weeks a claimant will be eligible for benefits is 16 weeks;

(7) The current waiting week for unemployment benefits becoming compensable after nine consecutive weeks of receiving benefits is suspended. Effective in 2008, the one week waiting period will become compensable once the remaining balance on the claim is equal to or less than the compensable amount of the waiting week;

(8) Suspensions of four weeks or more will be treated as discharge;

(9) If an employee is at work with a detectable amount of

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alcohol or a controlled substance in their system in violation of the employers workplace policy, the employee will have committed misconduct. Employee testing, notification, loss of wage credits, chain of evidence, and conformation testing are specified. Effective January 1, 2005, any employer who initiates an alcohol and drug policy is required to allow at least 60 days to laps between the initial notice of the policy and its implementation;

(10) A temporary employee of a temporary help firm will have been deemed to voluntarily quit employment if the employee does not contact the firm for reassignment prior to filing for benefits. A temporary employee is to be advised of this requirement;

(11) An offer to work is established when an employer sends a notification by certified mail to the worker's last known address;

(12) If a claimant is discharged for misconduct, no benefits are to be paid or charged against the employer for any period of employment within the base period until the claimant has earned wages insured under the unemployment law;

(13) Absenteeism or tardiness may result in discharge and constitute misconduct;

(14) Beginning 2007, an employee's partial benefit amount will be the difference between the employee's weekly benefit amount and the employee's wage in excess of \$20 for the week or 20% of the benefit amount, whichever is greater;

(15) Effective January 1, 2005, the division is required to verify certain claimant information when the claimant initially files for benefits;

(16) The division is required to establish an average industry contribution rate for each industrial classification listed in the industrial classification system established by the federal government;

(17) The recalculation procedure for the contribution rate for a successor employer based upon the combined experience of all predecessor and successor employers is specified;

(18) Employers having the maximum experience rating for two consecutive years will have a surcharge of .25% added to their contribution rate and an additional .25% will be added for up to

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three additional years. On the fourth year, an additional .5% will be added. The accumulated surcharge cannot exceed 1.5%;

(19) If the balance in the Unemployment Compensation Fund for the four preceding quarters falls between \$450 million and \$400 million, the employer's contribution rate will be increased for the succeeding four quarters by 10%. If the balance falls between \$400 million and \$350 million, the rate will be increased by 20%. If the balance falls below \$350 million, the rate will increase by 30%. If the balance falls below \$350 million for calendar years 2005, 2006, and 2007 and the employer is paying the maximum contribution rate, the rate will increase by 40%. For calendar years 2005, 2006, and 2007, an employer's contribution rate will be increased by a temporary debt indebtedness assessment;

(20) If the balance in the fund is more than \$600 million but less than \$750 million the employer's contribution rate will be decreased by 7%. If the balance exceeds \$750 million, the employer's contribution rate will be decreased by 10%;

(21) In addition to all other contributions due, if the fund is utilizing the proceeds of credit instruments or advances from financial agreements or both, each employer will be assessed a credit instrument and financing agreement repayment surcharge. Each employer's proportionate share will be assessed by a specified formula. Each employer will be notified of the amount due by January 31 of each year and it will be due within 30 days of the notice;

(22) The division is authorized to collect any debt by interception of the debtor's federal income tax refund, as allowed by federal law;

(23) The Unemployment Compensation Trust Fund, if insolvent, is required to utilize advances from the federal government. The procedure and requirements for repayment of moneys advanced by the federal government, credit instruments if issued, and/or financial agreements if entered into are specified; and

(24) Persons participating in the Shared Work Unemployment Compensation Program will receive no shared work benefits for pay periods when reduced hours reflect holiday earnings already committed to be paid by the employer.

The bill also creates the Board of Unemployment Fund Financing. The board members will be the Governor, Lieutenant Governor, Attorney General, Director of the Department of Labor and

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Industrial Relations, and Commissioner of the Office of Administration. The powers, responsibilities, and limitations of the board are specified. The board is authorized to sell credit instruments and/or enter into financial agreements, not exceeding \$450 million. The board will enter into any contract or agreement deemed necessary to effectuate cost effective financing for the repayment of past borrowing under federal legislation. Credit instrument and financial agreement obligations are not to continue for more than three consecutive years and all obligations are to be satisfied by January 15, 2008, and does not constitute a debt of the state and will be repaid solely with revenue provided under the provisions of the bill.

Effective July 1, 2005, any individual or employer who receives or denies unemployment benefits by intentionally misrepresenting, misstating, or failing to disclose material fact has committed fraud. Recovery of overpayment, nonpayment of benefits, and graduated penalties are specified.

Any person or entity perpetrating fraud or misrepresentation under the provision of the unemployment security chapter for which a penalty has not been specifically provided is guilty of a class A misdemeanor and liable to the state for a civil penalty equal to the amount of the fraud. A person or entity guilty of a subsequent violation is guilty of a class D felony.

The division is authorized to contract with consumer reporting agencies to provide secure electronic access to information in quarterly wage reports to the division by employing units. Confidentiality requirements and use limitations are specified. The reporting agency will require that the information released to the division be used only for verification of accuracy of the wage or employment information. Any person or entity who fails to comply with the confidentiality requirements imposed with respect to any consumer will be liable to the consumer to the extent provided under the Federal Fair Credit Reporting Act. Any person who obtains information from the consumer agency under false pretenses will be punished as provided under the Federal Fair Credit Reporting Act.

The Missouri State Unemployment Council is created by the bill. Annually the council is to report to the Governor and the General Assembly its recommendations on pertinent legislation, the status and projected maintenance requirements for solvency of unemployment insurance, and the adequacy of unemployment compensation. The division will provide the council with access to the division's records, services required and employee

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testimony and give consideration to recommendations on relevant legislation and rules. The council may, except if prohibited by a concurrent resolution of the General Assembly, commission an outside study of the solvency, adequacy, and staffing and operational efficiency of the Missouri unemployment system. The first study is authorized to begin in Fiscal Year 2005 and a successor study every five years thereafter. The council's composition, terms, appointment requirements, and voting and nonvoting designations are specified.

The bill contains an emergency clause for the sections of the bill which aid in restoring the Unemployment Compensation Fund solvency. The remaining sections of the bill become effective January 1, 2005.

HCS HB 1284 -- SALVAGE MOTOR VEHICLES

This bill revises the definition of "salvage vehicle" to include any motor vehicle, semitrailer, or house trailer which has been damaged to the extent that the total cost of repairs to rebuild the vehicle to its condition immediately before it was damaged exceeds 75% of the fair market value of the vehicle prior to the damage.

The total cost of repairs to rebuild or reconstruct a vehicle will not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or any sales tax on parts or material to rebuild or reconstruct a vehicle. The bill also defines "fair market value."

Salvage titles may be negotiable with one reassignment on the title by a registered dealer or an insurance company.

SS HS HCS HB 1285 -- CAR RENTAL INSURANCE

This bill changes the laws regarding car rental contracts. The bill:

- (1) Changes the definition of "authorized driver" as it applies to car rental contracts to exclude employers, parking valets, and family members other than a spouse;
- (2) Revises the written notice that must appear on every car rental contract regarding the purchase of optional insurance

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coverage and how the consumer's own auto insurance policy or credit card might already offer that protection. However, this notice will be deemed provided if it is included in a master rental agreement given to the consumer prior to the bill's effective date. In addition, notice will be deemed provided if it appears on the car rental company's web site;

(3) Requires car rental companies to provide notice to the consumer in the form of a sign or brochure at the rental office that informs the consumer about the availability of a collision damage waiver, any other optional car rental insurance, and a statement that the purchase of collision damage waiver is not required in order to rent a car;

(4) Clarifies that a violation for deceptive and unfair practice must be done knowingly and intentionally; and

(5) Limits the remedy for non-compliance to injunctive relief and monetary damages of \$50 for each violation, not to exceed \$100,000 in the aggregate in any calendar year.

CCS SS SCS HCS HB 1288 -- MANUFACTURERS CONTRACTUAL AGREEMENTS

This bill changes the laws regarding contractual agreements between manufacturers and other merchants.

Out-of-state recreational vehicle dealers who wish to participate in a vehicle show or exhibition are required to notify the Department of Revenue at least 30 days prior to the event. The department must then determine if the dealer complies with Missouri's laws. If the dealer does not comply, the department must notify the dealer at least 15 days prior to the event of their inability to participate. The department may assess a fine up to \$1,000 for any violation.

Regulations for compensation agreements between franchisors and franchisees of motorcycles and all-terrain vehicles are established. These franchisors are required to specify in writing the franchisee's obligation for preparation, delivery, and warranty service on its products and provide the franchisee with a schedule of compensation to be paid for parts, work, service, and the time allowance for the performance of the work and services. Motorcycle and all-terrain franchisors will be prohibited from failing to perform any warranty obligation; failing to provide a written notice of franchisor recalls to the owner of new motorcycles and all-terrain vehicles; and failing to

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compensate franchisees for the cost of repairs effected by recalls.

Claims made by a franchisee for labor and parts must be paid within 30 days after approval. Franchisors must compensate franchisees for franchisor-sponsored sales or service promotion events, programs, or activities. All claims must be approved or disapproved by the franchisor within 30 days after their receipt of an approved form containing the required information.

A marine manufacturer is prohibited from canceling a dealership agreement without good cause; the circumstances constituting good cause are specified.

A marine manufacturer is required to provide written notification to the marine dealership at least 90 days before the termination of any cancellation or nonrenewal of the dealership agreement. The notice must provide the reasons for the change and allow the dealer 90 days to rectify any problems that led to the decision. If the issues are dealt with, the notice will be void. If the problems are not dealt with, the change will take effect 60 days after the receipt of the manufacturer's notice. A dealer can terminate the dealership agreement at any time if they give written notice to the manufacturer at least 90 days prior to the change. The burden of proof lies with the manufacturer, and the 90-day requirement can be reduced to 60 days for specified reasons.

A change in ownership must also follow the notification requirements; a dealer must provide a 90-day written notice prior to the closing. Manufacturers cannot refuse a change in ownership unless it can show that the decision is based on reasonable criteria. Manufacturers cannot refuse succession of ownership to a family member unless it can show the decision was based on the business experience, moral character, financial qualification, or criminal record of the designated family member. If the manufacturer refuses any change in ownership, they must provide a written notification of its reasons to the dealer within 60 days after receipt of the notification and final determination. If no notice is provided, the change will be deemed approved.

The bill also provides for the repurchase of certain marine vessels when the dealer agreement is terminated by the manufacturer at the option of the dealer.

SCS HS HCS HB 1290 -- CONTRIBUTION OF REFUNDS

This bill authorizes two income tax designations on the Missouri income tax form for the purpose of donating a portion of a taxpayer's or corporation's refund to certain charities with a health-related mission. Taxpayers may also contribute to a fund by sending a separate check.

Donations can be made to the American Cancer Society Heartland Division, Inc., Fund; the ALS Lou Gehrig's Disease Fund; the American Lung Association of Missouri Fund; the Arthritis Foundation Fund; the Muscular Dystrophy Association Fund; the American Heart Association Fund; the March of Dimes Fund; the American Diabetes Association Gateway Area Fund; or the National Multiple Sclerosis Society Fund. The minimum contribution for each tax return is \$1, and the maximum is \$200 per return.

HB 1291 -- HOMEOWNERS' INSURANCE

This bill prohibits a lender of a residential mortgage from requiring a borrower to purchase homeowners' insurance coverage in an amount exceeding the replacement value of the home and its contents.

CCS SS#2 SS SCS HS HCS HB 1304 -- TORT REFORM

This bill changes the laws affecting claims for damages and their payment. In its main provisions, the bill:

(1) Establishes venue in all tort actions in which the cause of action accrued in Missouri, including torts for improper health care, in any county within the judicial circuit where the cause of action accrued;

(2) Establishes the following venues in all tort actions in which the cause of action accrued outside Missouri:

(a) For individual defendants, the venue will be in any county within the judicial circuit of the individual's principal place of residence; and

(b) For corporate defendants, the venue will be in any county within the judicial circuit where the corporate defendant's registered agent is located or, if there are one or two

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plaintiffs and either was a resident of Missouri at the time the cause accrued, then the venue will be in any county within the judicial circuit of a plaintiff's principal place of residence;

(3) Clarifies the term "judicial circuit where the cause of action accrued" for the purpose of venue in tort actions;

(4) Requires motions to dismiss or transfer based upon improper venue to be deemed granted if not denied within 90 days, unless the time period is waived in writing by all parties;

(5) Allows discovery of a defendant's assets in tort actions, including torts for improper health care, only after a court determines that it's more likely than not that the plaintiff will present a submissible case on punitive damages;

(6) Provides that a defendant will be jointly and severally liable for the amount of compensatory and noneconomic damages only with those defendants whose apportioned percentage of fault is less than the defendant but not for more than the percentage of punitive damages for which fault is attributed to the defendant by the trier of fact;

(7) Adds long-term care facilities licensed pursuant to Chapter 198, RSMo, to the definition of "health care provider" as used in Chapter 538;

(8) Changes the cap on noneconomic damages from its current limit of \$565,000 (after the annual inflation adjustment of the base amount of \$350,000 established in 1986) to \$400,000, without an inflation adjustment, and removes the per occurrence language in response to a Missouri Supreme Court decision;

(9) Limits civil damages recoverable against certain physicians, dentists, hospitals, and others to \$200,000 for the care or assistance necessitated by traumatic injury and rendered in a hospital emergency room;

(10) Makes it mandatory rather than discretionary that a court dismiss any medical malpractice claim for which the plaintiff fails to file the required supporting expert affidavit and limits the extension of time to file the affidavit to an additional 90 days. The bill requires the expert to be licensed and authorized to practice in substantially the same specialty as the defendant and allows any defendant to request that the court review the expert opinion to determine whether the expert meets the required qualifications;

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(11) Prohibits statements, writings, or benevolent gestures expressing sympathy from being admissible as evidence of an admission of liability in a civil action. Statements of fault will be admissible;

(12) Changes the requirements for awarding prejudgment interest in tort actions;

(13) Changes the rate of prejudgment interest awarded in tort actions from 9% per annum to a rate equal to the federal funds rate as established by the Federal Reserve Board, plus 3%. The rate of postjudgment interest awarded is changed from 9% per annum to a rate equal to the federal funds rate as established by the Federal Reserve Board, plus 5%;

(14) Requires future medical periodic payments to be made in an amount according to a schedule determined by the payee's life expectancy and ties the applicable interest rate to the average auction price of a 52-week United States Treasury bill;

(15) Requires a judge to transfer a case to a proper forum if at any time prior to the commencement of the trial, a plaintiff or defendant is added or removed from a complaint who if originally added or removed would have altered the determination of venue;

(16) Includes a severability clause; and

(17) Clarifies that the provisions of the bill will only apply to causes of action filed after August 28, 2004.

The bill has been vetoed by the Governor.

HB 1317 -- SPECIAL LICENSE PLATE

This bill allows for a special license plate designated "BOY SCOUTS OF AMERICA."

To obtain this plate, a person who is a boy scout or the parent of a boy scout must obtain an emblem-use authorization statement from the Boy Scouts of America Council (\$25 contribution) and present it to the Department of Revenue along with a \$15 fee in addition to the registration fee and any other documents required by law. Revenue from contributions, minus any reasonable administrative cost, will be used solely for the purposes of the organization. No additional fee will be charged for personalization of these plates.

SCS HCS HB 1321 -- NEIGHBORHOOD IMPROVEMENT DISTRICTS

This bill requires that the average maturity of bonds issued for neighborhood improvement districts after August 28, 2004, cannot exceed 120% of the average economic life of the improvement for which the bonds are being issued. The bill also requires that any proposed improvement will include provisions for its maintenance.

In the event that any parcel of property within the district is divided into more than one parcel after the final costs of the improvement are apportioned, all remaining costs assessed to the original parcel will be recalculated and divided proportionally to each of the parcels. No parcel of property which has had its assessment paid in full can be reassessed or have its initial assessment changed. When creating a resolution to submit the question of creating a district to the voters or a petition to be signed by property owners, the governing body must provide notice that the annual assessment for maintenance costs of the improvements must not exceed the estimated annual maintenance costs by more than 25%.

HCS HB 1347 -- MISSOURI STATE LIBRARY AND STATE DOCUMENT PUBLICATIONS

This bill establishes a council on library development to advise the Secretary of State and the Missouri State Library on matters relating to library service, recommend library policies and programs, and communicate the value of libraries. The Secretary of State will appoint council members to three-year terms and include representatives from both houses of the General Assembly, representatives of the public and of libraries, trustees of libraries, and users of state libraries.

The bill changes the current requirement for state agencies to supply 45 copies of any report to the Missouri State Library to paper copies in the numbers specified by the library. Each state agency is given responsibility to submit publications electronically consistent with the state's enterprise architecture and to determine the format of the publication. The Secretary of State must provide a secure electronic repository of state publications with multiple access methods and establish rules for the selection of participating libraries and the electronic formats acceptable. The state library will administer the electronic repository and continue to publish a list of state publications, regardless of format. Participating libraries,

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formerly referred to as depository libraries, will ensure that citizens have access to electronic publications and maintain paper copies of designated publications; assist agencies in the distribution of paper copies; and provide training for staff in the use of state publications. Any actions taken must comply with the federal law on the accessibility of information technology for people with disabilities.

HB 1362 -- SUBDIVISION REGULATION

This bill allows county planning commissions to accept other forms of security besides surety bonds to ensure the actual construction of improvements and utilities in subdivisions in unincorporated areas. Other forms of acceptable security are cash bonds, cash deposits with the county treasurer, letters of credit, and certificates of deposit.

HCS HB 1363 -- ST. LOUIS ARCHIVES

This bill authorizes the Secretary of State to open and maintain an archival facility in the City of St. Louis and creates the Missouri State Archives - St. Louis Trust Fund. Moneys placed in the fund will be used for the development and maintenance of the facility and cannot be made part of the general operating budget or transferred to the General Revenue Fund, nor will general revenue be appropriated for the facility.

HB 1364 -- PARENTING PLANS

Currently, a joint parenting plan must be submitted by both parties to a dissolution or modification action that involves child custody or visitation. This bill makes the filing of the plan optional when the child is over the age of 18.

HB 1377 -- COUNTY PLANNING COMMISSIONS

This bill increases the maximum reimbursement rate and deletes the maximum number of meetings for which members of county planning commissions may be reimbursed. In second and third classification counties, the rate of reimbursement for expenses increases from \$15 to \$25 per meeting. In counties with alternative county planning and zoning, the rate increases from \$10 to \$25.

HB 1398 -- DEPOSITARIES FOR CITY FUNDS

This bill allows the City of Maryville to accept bids from a banking institution as the city depositary at any regular city council meeting and provides that the contract term begin on August 1. Current law requires the bids to be received in July.

HCS HB 1399 -- ATHLETIC TRAINERS

This bill requires the licensing of athletic trainers by the State Board of Registration for the Healing Arts. Currently, athletic trainers are only required to be registered.

SCS HCS HB 1403 -- AMUSEMENT RIDES

This bill changes the laws regarding amusement rides and amusement parks. In its main provisions, the bill:

- (1) Expands the definition of "amusement ride" to include dry slides, bungee cord attractions, and climbing walls over 10 feet tall;
- (2) Authorizes the Department of Public Safety to conduct spot inspections of amusement rides without notice whenever the ride is operating and provides for suspension when unsafe conditions are disclosed and reinstatement upon correction and reinspection;
- (3) Changes the allocation of collected inspection fees from the General Revenue Fund to the Elevator Safety Fund; and
- (4) Makes it a class B misdemeanor to knowingly make false statements or representations in documents required in the laws governing amusement rides.

The bill becomes effective January 1, 2005.

HCS HB 1405 -- SPECIAL LICENSE PLATES

This bill allows special license plates for members of the Missouri Association of State Troopers Emergency Relief Society and for members of the Missouri DeMolay.

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To obtain these plates, individuals must obtain an emblem-use authorization statement from the association (\$25 contribution) and present it to the Department of Revenue along with a \$15 fee in addition to the registration fee and any other documents required by law. Revenue from contributions will be used solely for the purposes of the Missouri Association of State Troopers Emergency Relief Society or for Missouri DeMolay scholarships and other charitable programs. No additional fee will be charged for the personalization of these plates.

HB 1407 -- MUNICIPAL CODE VIOLATIONS

This bill authorizes the City of St. Louis to create an administrative system for adjudicating parking and other nonmoving municipal code violations. The creating order or ordinance must designate the administrative tribunal, its jurisdiction, and the code violations to be reviewed. The administrative tribunal will not be able to impose terms of incarceration or fines in excess of those allowed by law. Final determinations of the administrative tribunal will be subject to review pursuant to Chapter 536, RSMo. Unpaid sanctions, fines, or costs will be a debt owed to the city, may be collected in accordance with applicable law, and may be enforced in the same manner as a judgment lien.

HCS HB 1422 -- SEDATION DENTISTRY

This bill requires all dentists who prescribe and administer deep sedation or general anesthesia agents in the course of providing dental services to possess a conscious sedation permit issued by the Missouri Dental Board. The board is authorized to promulgate rules specifying the criteria by which these sedation permits may be issued.

HB 1427 -- CONTROLLED SUBSTANCES

This bill repeals obsolete provisions regarding the seizure of controlled substances that:

(1) Require law enforcement agencies to notify the United States Commissioner of Narcotics when seized drugs have been destroyed;

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(2) Allow law enforcement to deliver seized drugs to public hospitals that apply for them; and

(3) Allow the Department of Health and Senior Services, when revoking the registration of a drug manufacturer or distributor, to place the controlled substances under seal and eventually sell them.

HS HCS HB 1433 -- WATERSHED IMPROVEMENT DISTRICTS

This bill creates the Upper White River Basin Watershed Improvement District, an area that includes Greene, Stone, Christian, Taney, Barry, Douglas, Webster, Wright, and Ozark counties. Table Rock Lake, the James River, the White River, Lake Taneycomo, and Bull Shoals Lake are located in the proposed district. Upon resolution by the governing body of any county of the third classification or by the filing of a petition signed by at least 35% of the property owners in any county of the third classification located within any other watershed in the state, a watershed improvement district may be authorized. A district is authorized to own, install, operate, and maintain decentralized or individual on-site wastewater treatment plants.

A watershed improvement district will have the power to borrow money, incur indebtedness, and submit to the qualified voters within the district a request to collect real property taxes to help fund the operation of the district.

The county commission of any county located within the Upper White River Basin Watershed Improvement District can authorize individual properties to be served by the district by adopting a resolution or upon the filing of a petition signed by at least 20% of the property owners of the proposed area.

Property that is currently served by a sewer district cannot be a part of the watershed improvement district unless the existing sewer district agrees to stop providing service to the property. The watershed improvement district will not provide service unless the property owner wants the service.

On-site wastewater treatment systems installed on property that participates in the district must meet the standards established by the district board and the appropriate state agencies.

Participating property owners must have a maintenance plan approved by the district for the on-site wastewater treatment

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system on their property, and they must execute a utilities easement to allow the district access to the system for maintenance and inspection.

The county, by order or ordinance or upon the filing of a petition signed by 20% of the property owners in the proposed area, may designate groundwater depletion areas and may require well volume monitoring.

After a watershed subdistrict has been organized and the organization tax has been levied, any county in the subdistrict not adopting the annual tax may detach from the subdistrict upon approval of a majority of the qualified voters voting on the proposed detachment.

A watershed improvement district will have a board of trustees. The bill specifies the number of trustees, the length of term each trustee will serve, and the manner in which successive trustees will be chosen.

Any person or laboratory performing a wastewater analysis will be licensed by the Department of Natural Resources, and any person installing on-site sewage disposal systems will be licensed by the Department of Health and Senior Services.

The commission; a member of a watershed district's board of trustees created under Section 249.1150 or 249.1152, RSMo; or the Director of the Department of Natural Resources can request action be taken against anyone for unlawful discharge of water contaminants.

SCS HB 1440 -- REGIONAL PLANNING COMMISSIONS; RETIREMENT

This bill specifies that regional planning commissions will be considered political subdivisions for the purposes of Sections 70.600 - 70.755, RSMo. Employees of regional planning commissions are eligible for membership in the Missouri Local Government Employees' Retirement System once the commission is considered an "employer" as defined in Section 70.600. Moneys owed to any retirement system must be paid prior to the dissolution of the commission.

The bill renames the Highways and Transportation Employees' and Highway Patrol Retirement System as the Missouri Department of Transportation and Highway Patrol Employees' Retirement System. The bill also:

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- (1) Allows time taken without compensation, in accordance with the Family and Medical Leave Act of 1993, to be counted as membership service under the system;
- (2) Revises when a member of the system may retire once normal retirement age has been reached and allows a member to waive a monthly annuity or cost-of-living adjustment;
- (3) Allows a uniformed member of the State Highway Patrol to retire at age 55 once the member has accrued four years of creditable service. Uniformed members must retire when reaching 60 years of age;
- (4) Revises certain option elections for members whose retirement age is 48 years of age and who petition for retirement on or after August 28, 2004;
- (5) Revises provisions regarding the reversion of retirement benefits of a current spouse or a former spouse who precedes a member in death. This provision pertains to members who retire on or after July 1, 2000;
- (6) Requires members who are receiving disability benefits pursuant to subsections 1 and 2 of Section 104.110 be eligible for a death benefit of \$5,000;
- (7) Revises the time of the selection of the chairperson and vice-chairperson of the board. The executive director of the board may execute the necessary documents to carry out all actions of the board;
- (8) Revises the notice requirements for meetings of the board and allows the executive director or employees of the system to receive other compensation;
- (9) Classifies board members, elected employees of the Highways and Transportation Commission, and elected employees of State Highway Patrol as persons whose services will be considered non-separable from employment; and
- (10) Revises a provision regarding surviving spouses who are eligible to receive benefits. The retirement application of the deceased member must be filed prior to August 28, 2004.

HB 1442 -- MEMORIAL HIGHWAY

This bill designates a section of State Route 51 in Perry County from Interstate 55 to U. S. Highway 61 as the "Thomas G. Tucker, Jr. Memorial Highway."

HB 1444 -- LEGISLATIVE COMMITTEES

Legislative committees are currently required to seek authority to visit any state institution by the passage of a resolution. This bill removes that requirement.

HCS HB 1449 -- SPECIAL LICENSE PLATES

This bill allows for special license plates for members of the Missouri Society of Professional Engineers and for any person who served in the military operation known as Operation Iraqi Freedom.

To obtain the Missouri Society of Professional Engineers special plate, individuals must obtain an emblem-use authorization statement from the Missouri Society of Professional Engineers Educational Foundation (\$25 contribution) and present it to the Department of Revenue along with a \$15 fee in addition to the registration fee and any other documents required by law. Revenue from contributions will be used solely for the purpose of the Missouri Society of Professional Engineers Educational Foundation.

To obtain the Operation Iraqi Freedom Veteran plate, applicants must furnish proof of service in Operation Iraqi Freedom and their current status in a branch of the armed forces or as an honorably discharged veteran and pay a \$15 fee in addition to the registration fee and any other documents required by law.

CCS SS SCS HS HCS HB 1453 -- FOSTER CARE

This bill changes the laws regarding protective services for children and foster care.

CHILD ABUSE AND NEGLECT REPORTS

The bill:

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(1) Changes the standard for including an individual on the child abuse and neglect central registry from probable cause to believe the individual committed child abuse or neglect to a finding by the Children's Division within the Department of Social Services that there is a preponderance of evidence that the individual committed child abuse or neglect;

(2) Prohibits mandated reporters from making reports of child abuse or neglect anonymously. All other reporters may remain anonymous;

(3) Requires the division to use a structured decision-making model to classify all reports made to the child abuse and neglect hotline, giving priority to ensuring the well-being and safety of the child;

(4) Requires the names of individuals placed on the central registry before August 28, 2003, to remain on the registry for the duration of the time required in Section 210.152, RSMo;

(5) Prohibits the division from meeting with a child at any school or child care facility building where abuse of the child is alleged to have occurred;

(6) Reduces from 10 to five years the amount of time the division must keep an unsubstantiated report of child abuse made by a mandated reporter; and

(7) Requires biological parents, foster parents, guardians ad litem, and volunteer advocates to be notified of all family support team meetings.

COURT PROCEEDINGS

The bill:

(1) Requires the guardian ad litem and volunteer advocate to be informed of and have the right to attend all meetings involving the child upon appointment by the court. The guardian ad litem is required to advocate for timely court hearings to achieve permanency for the child as soon as possible;

(2) Requires that the questioning of a child who is in custody because the child is in need of care or treatment cease if the child wishes to have a parent, guardian, or attorney present during the questioning. Questioning of the child may resume when the child does not object to talking about the alleged abuse and neglect, unless the interviewer has reason to believe that the

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parent, guardian, or custodian is acting to protect the alleged perpetrator. All video or audio recordings of meetings, interviews, or interrogations conducted in relation to a child in the state's custody are presumed admissible as evidence in proceedings involving the child. The recordings are inadmissible only upon a showing by clear and convincing evidence that the recording lacks sufficient indicia of reliability;

(3) Requires the court to grant a change of judge upon the motion of a child or the child's parent;

(4) Requires the Supreme Court to promulgate rules by February 1, 2005, that mandate a hearing within three days of the child being taken into custody. An adjudication must be held no later than 60 days after the child has been taken into custody; and if at that time the court determines there is sufficient cause for the child to remain in the state's custody, the court will conduct a dispositional review no later than 90 days after the child has been taken into custody. The court must then conduct review hearings every 90 to 120 days during the first year and at least every six months after the first year. This section contains an emergency clause; and

(5) Requires that on or before July 1, 2005, all juvenile court proceedings for children who are in need of care and treatment and termination of parental rights cases initiated by the county juvenile office or the division will be open to the public. The proceedings can be closed in certain situations. The general public is excluded during the testimony of a child or a victim.

BACKGROUND CHECKS AND FINGERPRINTING

The bill:

(1) Allows the division or the county juvenile office to request a name-based criminal history check when an emergency placement of a child must be made and requires them to determine whether any person over the age of 17 living in the household is listed on the child abuse and neglect central registry. The division must inquire as to whether any children under the age of 17 living in the household have been certified as adults and convicted of a crime and conduct a background check on the individuals;

(2) Requires the division to conduct a search for full orders of protection for anyone seeking a foster parent license. The applicant and any adult in the applicant's household must also submit two sets of fingerprints for a criminal background check.

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The division must inquire as to whether any children under the age of 17 living in the household have been certified as adults and convicted of a crime and conduct a background check on the individuals;

(3) Requires persons employed by a school after January 1, 2005, who are authorized to have contact with children to have a criminal background check completed before having any unsupervised contact with a child;

(4) Requires the Department of Social Services to determine whether an applicant for a license to operate a school bus is listed on the central registry. The applicant is required to submit fingerprints to search state and federal criminal history repositories and to pay the fees for the searches;

(5) Requires the court that certifies a juvenile offender as an adult to order the law enforcement agency to fingerprint the individual immediately;

(6) Requires qualified entities to obtain two sets of fingerprints from the individual if a national criminal record review is requested; and

(7) Increases the fees the State Highway Patrol can charge for name-based criminal history background checks from \$5 to \$10 and for checks based on fingerprints from \$14 to \$20.

FOSTER CARE AND PLACEMENT OF CHILDREN

The bill:

(1) Requires the division to provide standards and training for prospective foster parents, as well as performance-based criteria for licensed foster parents;

(2) Requires the division to notify parents when their child is placed in foster care;

(3) Prohibits the removal of children from school for placement in foster care before the end of the school day without a court order;

(4) Requires the division to hold a family support team meeting within 72 hours of the child being taken into custody and additional meetings prior to taking any action relating to the placement of a child in its custody;

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(5) Requires the division to place a child with relatives if the court has determined that the placement is not contrary to the best interests of the child. The court must make specific findings on the record detailing why placement with a relative is not in the best interests of the child;

(6) Specifies that the age of a relative may not be the only consideration in determining whether to place the child with that relative. The bill also requires the division to comply with the Federal Indian Child Welfare Act in placing Native American children;

(7) Allows parents to temporarily place a child with another individual, while retaining the right to supervise the care of the child and resume custody, and allows a parent to use a power of attorney to delegate his or her powers regarding care or custody of a minor child to another individual for a period of up to one year;

(8) Requires that all information provided at a meeting or hearing relating to the removal of a child from the child's home be confidential, except that a party or parent may waive confidentiality for himself or herself, and that no one may be required to sign a confidentiality agreement prior to testifying or providing information at the meeting; and

(9) Requires the Department of Social Services to seek Title IV-E waivers from the Department of Health and Senior Services and requires the Department of Social Services to take the necessary steps to qualify the state for any federal block grant money available for foster care and adoption assistance.

PRIVATIZATION OF SERVICES FOR CHILDREN

The bill:

(1) Requires the division to consult with community providers and enter into contracts with qualified children's services providers to provide services to children and families. The contracts must be awarded through a competitive process and be provided by providers and agencies currently contracting for services with the state, as well as children's services providers which have a proven record of providing child welfare services in the State of Missouri, consistent with federal rules and regulations and state policies in effect on January 1, 2004. Contracts entered into by the division must be in compliance with federal law and may not result in the loss of federal funding; and

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(2) Requires the division to submit a report to the General Assembly beginning July 15, 2006, and each year thereafter that the privatization project is in operation. The bill specifies the information that must be included in the report.

REPORTS

The bill:

(1) Requires the Task Force on Children's Justice established by the Children's Service Commission in accordance with federal law to conduct an independent review of the policies and procedures of state and local child protective services agencies and to conduct reviews of specific cases, when appropriate, to evaluate how effectively agencies are discharging their responsibilities;

(2) Requires the Department of Social Services to submit, beginning February 1, 2006, an annual statistical report regarding the number of children receiving child protective services to the Governor and the General Assembly; and

(3) Requires the division to identify all children in its custody who are receiving foster care services by January 1, 2005, and report to the General Assembly the type of foster care being provided and the status of all children.

MISCELLANEOUS PROVISIONS

The bill:

(1) Establishes the Office of Child Advocate for Children's Protection and Services within the Office of Administration;

(2) Designates specified provisions as the "Dominic James Memorial Foster Care Act of 2004";

(3) Requires the Family Support Division and the Children's Division to jointly operate and maintain an office in each county;

(4) Requires employees of the Children's Division who are involved with child protective services and who purposely, knowingly, and willingly violate a policy, rule, or state law that is related to the child abuse and neglect activities of the division be dismissed if the violation results in serious physical injury or death;

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(5) Allows children with special health care needs that if not treated would result in death or serious physical injury to participate in the MC+ for Kids Program without meeting the six-month uninsured requirement. This section contains an emergency clause;

(6) Requires the division to conduct a diligent search for the natural parents of a child who is in the custody of the division when the parents' identity or location is unknown;

(7) Requires an action to recover damages for injury or illness that resulted from child sexual abuse to be commenced within 10 years of the date the plaintiff reached the age of 21 or within three years of the date the plaintiff discovers or reasonably should have discovered that the illness or injury resulted from child sexual abuse, whichever is later;

(8) Revises the Special Needs Child Adoption Tax Credit, beginning July 1, 2004. The cap is increased to \$4 million. In the first 90 days of the fiscal year, half of the cap is allocated to in-state adoptions and half of the cap is allocated to out-of-state adoptions. After the first 90 days if less than \$2 million in out-of-state credits have been claimed, the remaining amount can be used for in-state adoptions. This provision contains an emergency clause;

(9) Requires all hospitals and health care facilities providing obstetrical services to offer the opportunity for new mothers and the father, or other person of the mother's choosing, to watch a video on shaken baby syndrome before being discharged from the facility;

(10) Requires the Department of Health and Senior Services and the Department of Social Services to collaborate with non-profit organizations, health maintenance organizations, and the Missouri Consolidated Health Care Plan to formulate an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid Program, with a goal of 75% of the children who receive Medicaid being tested; and

(11) Requires the Department of Health and Senior Services to prepare and distribute a pamphlet about the putative father registry.

SCS HCS HB 1456 and HB 824 -- TRANSIENT GUEST TAX

This bill allows the cities of Concordia, Marston, Matthews, and Steele to impose, upon voter approval, a room tax of not more than 5% per night. This tax will be in addition to any other taxes authorized by law and used for tourism purposes and infrastructure improvements.

CCS HS HB 1487 -- CRIMES AGAINST PERSONS

This bill makes changes to the laws regarding crimes against persons.

The crime of child kidnapping is created, a class A felony, and is committed when a person who is not a relative within the third degree unlawfully removes or confines a child age 13 or younger without the consent of the child's parents or guardians. It is an affirmative offense that the person reasonably believed that the person's actions were necessary to preserve the child from danger to his or her welfare. This provision contains an emergency clause.

Several crimes regarding human trafficking are created and include:

(1) Abusing an individual through forced labor, a class B felony, is committed when a perpetrator obtains the services of a person through the use of threats of serious harm or physical restraint of the person or by abuse of the legal process;

(2) Trafficking for the purpose of slavery or involuntary servitude, a class B felony, is committed when a perpetrator recruits, harbors, transports, provides, or obtains a person for the purposes of slavery or involuntary servitude, peonage, or forced labor;

(3) Trafficking for the purpose of sexual exploitation, a class B felony, is committed when a perpetrator recruits, harbors, transports, provides, or obtains a person for the use or employment of the person in sexual conduct without his or her consent;

(4) Sexual trafficking of a child, a class A felony, is committed when a perpetrator recruits, entices, harbors, transports, provides, or obtains a person under the age of 18 to participate in a commercial sex act. It will not be an

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affirmative defense that the perpetrator believed that the person was age 18 or older; and

(5) Contributing to human trafficking through the misuse of documentation, a class D felony, is committed when the perpetrator restricts a person's ability to move or travel by controlling the person's identification documents or when the perpetrator destroys, conceals, or confiscates a governmental identification document or other immigration document of a victim while committing a trafficking crime.

As part of the sentencing for a human trafficking offense, the court must order the perpetrator to pay restitution to the victim.

The laws regarding patronizing prostitution are modified. The bill:

(1) Makes it a class A misdemeanor to patronize a prostitute who is age 15 to 17 and clarifies that prosecution for this offense does not preclude a prosecution for statutory rape or sodomy. The current law is a class B misdemeanor and does not refer to the age of the prostitute; and

(2) Makes it a class D felony to patronize a prostitute who is age 14 or younger and clarifies that prosecution for this offense does not preclude a prosecution for statutory rape or sodomy.

HB 1494 -- REGIONAL RECREATIONAL DISTRICTS

This bill requires that a regional recreational district board of directors be elected in Clay County rather than appointed by the county commission unless no candidate files for the office.

HB 1502 -- KANSAS CITY PUBLIC SCHOOL RETIREMENT SYSTEM

This bill changes the laws regarding the Kansas City Public School Retirement System. The bill:

(1) Revises the definition of "break in service" to include when a regular employee ceases to be employed and then becomes re-employed after 60 consecutive calendar days have elapsed or after 15 consecutive school or work days have lapsed, whichever occurs later. This definition also applies when a regular

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employee retires under Section 169.280, RSMo, pertaining to the Kansas City Public School Retirement System, who later becomes re-employed after 15 consecutive school days or work days have elapsed;

(2) Revises the definition of "minimum normal retirement age" to the earlier of the date a member reaches 60 years of age or the date a member has a total of at least 75 credits, with each year of creditable service and each year of age equaling one credit. Both years of creditable service and age will be prorated for fractional years;

(3) Increases the number of members on the medical board of the retirement system to three or more physicians;

(4) Allows the board of trustees of the retirement system to employ one or more banks having fiduciary powers to assist the treasurer of the system in administering retirement funds;

(5) Revises provisions regarding the development of rules and regulations used to determine claims of creditable service by eligible members, the certification of a disability for eligible members, and the suspension and computation of a retirement allowance received by a member who earns additional income by becoming re-employed in the retirement system;

(6) Prohibits accumulated contributions from being paid to a member before incurring a break in service; and

(7) Removes a section regarding the granting of prior service credit for a member who is employed by the Kansas City Public School District before January 1, 1944, and who becomes re-employed after January 1, 1944.

HB 1508 -- CHIEFS' CHILDREN'S FUND

This bill allows the emblem-use fees received for the Kansas City Chiefs' license plate, less an amount not in excess of 5% of the cost of administration, to be deposited into the Chiefs' Children's Fund. The fund is established to benefit needy children in the Kansas City area.

SS HS HCS HB 1511 -- TRUST AND ESTATE ADMINISTRATION

This bill enacts the Missouri Uniform Trust Code. In its main provisions, the code:

- (1) Establishes general provisions and definitions regarding trust administration;
- (2) Establishes rules regarding court jurisdiction and venue for actions concerning trusts;
- (3) Provides rules for the representation of minor, unborn, and unascertained beneficiaries and other interested persons by fiduciaries in judicial and non-judicial context;
- (4) Specifies the requirements for creating, modifying, and terminating trusts;
- (5) Establishes provisions regarding the ability of creditors of trust settlors or beneficiaries to reach trust assets, including the effect of spendthrift clauses;
- (6) Modifies existing and creates new provisions regarding revocable trusts, including a settlor's necessary legal capacity to create a valid revocable trust, a presumption that trusts are revocable unless otherwise specified, and requirements for trust amendments and revocations;
- (7) Contains default rules for dealing with the office of trustee which may be modified by the terms of the trust;
- (8) Outlines the fiduciary duties of trustees and enumerates trustees' powers and specifies the liability of trustees and the rights of persons dealing with trustees;
- (9) Moves the Missouri Prudent Investor Act and the Missouri Principal and Income Act from Chapter 456, RSMo, to Chapter 469;
- (10) Creates a rebuttable presumption of undue influence for certain asset transfers to in-home health care providers who are not closely related to the grantor;
- (11) Modifies the nonprobate transfer of assets. Recipients of a recoverable transfer of a decedent's property are liable to account for a percentage of the property received if necessary to discharge statutory allowances to the decedent's surviving spouse and dependent children and for other unpaid claims remaining after the application of the decedent's estate. In order to

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enforce the obligation of a recipient of a recoverable transfer, an action for accounting must be commenced within 18 months of the death of the decedent by the decedent's personal representative or a qualified claimant if the personal representative fails to follow certain procedures relating to the personal representative's failure to respond to a demand for accounting. The failure of the personal representative to provide certain information in response to a demand from a qualified claimant may toll the 18-month requirement. Any judgment in a proceeding for accounting must take into the account the expenses of administration of the estate;

(12) Specifies that if an action for accounting is commenced within 18 months, other recipients of recoverable transfers may be brought into the action, even if the joinder occurs later than 18 months following the decedent's death. If an action is commenced after 18 months, then only the personal representative who received a recoverable transfer will be liable to account, and no other recipient may be joined;

(13) Allows a beneficiary who receives a motor vehicle, an outboard motor, or a vessel pursuant to a transfer on death instrument to make one reassignment of the original certificate of ownership upon the death of the owner to another owner without transferring the certificate to the beneficiary's name;

(14) Allows owners of manufactured homes who own the home as joint tenants with the right of survivorship or as tenants by the entirety to receive a certificate of ownership in beneficiary form from the Director of the Department of Revenue. The beneficiary form must include a directive to the director to transfer the certificate of ownership on the death of the owner or owners and permit the beneficiary to make one reassignment of the original certificate of ownership upon the death of the owner to another owner without transferring the certificate to the beneficiary's name; and

(15) Prohibits a certificate of ownership in beneficiary form from being issued to persons who hold their interest in a manufactured home as tenants in common. During the lifetime of the owners, the signature or consent of the beneficiary cannot be required for transactions relating to the manufactured home. The owner may revoke the certificate of ownership or change beneficiaries before their death under certain conditions. A beneficiary's interest in the home is subject to the security interests which the owner accrued during his or her lifetime. A beneficiary's interest in a certificate of ownership may not be changed or revoked by will or other instruments. The director is required to issue a new certificate of ownership to the surviving owners or beneficiaries upon proof of death.

HCS HB 1529 & 1655 -- TAX INCREMENT FINANCING

This bill allows any district providing emergency services to be reimbursed from the Special Allocation Fund for at least 50%, but not more than 100%, of the district's tax increment. The provisions of the bill will only apply to tax increment financing projects approved after August 28, 2004.

CCS SCS HB 1548 -- STATE EMPLOYEES

This bill allows any state employee to discuss the operations of an agency with any member of the legislature, State Auditor, Attorney General, or any state official or body charged with investigating alleged misconduct. A supervisor or appointing authority cannot take disciplinary action unless the employee knowingly provided false, confidential, or information regarding the employee's own wrong doing. If disciplinary action was taken against the employee in violation of this section, the employee can file for an administrative appeal within 30 days of the alleged violation or can bring civil action for damages caused within 90 days after the occurrence of the alleged violation.

Nonexempt state employees pursuant to the Fair Labor Standards Act must be paid for overtime. Overtime will be paid unless the employee chooses to use accrued overtime hours as compensatory time if leave time is available and the employee's supervisor agrees. Any nonexempt state employee who works on a state holiday will have the option of receiving either equal compensatory time off or payment at the straight hourly rate.

Any state employee requesting cash payment for at least 20 hours of accrued overtime is to be compensated within 30 calendar days of the request.

Beginning on January 1, 2006, and annually thereafter, each department must pay nonexempt state employees in full for any overtime hours accrued during the previous calendar year not yet paid or used in the form of compensatory time. Nonexempt state employees may retain up to 80 hours of compensatory time.

By November of each year, every department must notify the Commissioner of the Office of Administration, the House Budget Chairman, and the Senate Appropriations Chairman of the amount of overtime paid in the previous year and an estimate of the overtime to be paid in the current fiscal year. The fiscal year estimate is to be a separate line item appropriation for each department in its appropriation bill.

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Each department will report quarterly to the House Budget Chairman, the Senate Appropriations Chairman, and the Commissioner of the Office of Administration the cumulative number of accrued overtime hours for department employees and the corresponding dollar amount, the appropriated number of full-time equivalent positions listing vacant positions, the amount of funds for any vacant positions used to pay overtime compensation, and the current balance in the department's personal service fund.

The bill also changes the name of the commission's hearing officers at the Missouri Public Service Commission to commission's administrative law judges.

SCS HS HB 1599 -- JOINT COMMITTEE ON GOVERNMENT ACCOUNTABILITY

This bill establishes the Joint Committee on Government Accountability which will be composed of seven members each of the House of Representatives and the Senate. The bill requires continuing studies and analysis of inefficiencies, fraud, and misconduct in state government; the determination of the appropriate methods to obtain relevant data at least biennially from each state entity in regard to their function, duties, and performance; and recommendations on any needed changes to statutory law, rules, or policies. Government agencies and officials who perform in an efficient and effective manner will be identified and acknowledged. A report of the committee's activities and recommendations must be submitted to the General Assembly by January 15 of each year with copies to the appropriate entities.

The authority to contract for guaranteed energy cost savings contracts is changed from the Division of Design and Construction to the Office of Administration. Other state governmental units will participate in the procurement of these services. The Office of Administration will develop a statewide plan of energy conservation and cost savings for state buildings and facilities. When contracting, preference will be given to Missouri companies.

HB 1603 -- REPUBLICATION OF A SECTION IN STATUTE

This bill reenacts one section of law regarding a tax credit for eligible small businesses. The tax credit is equal to the guaranty fee required by the United States Small Business

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Administration to obtain guaranteed financing and to programs administered by the United States Department of Agriculture or the Farm Service Agency. Senate Bill 894 of 2002 amended this section but was found to violate the single subject requirement of Article III, Section 23, of the Missouri Constitution. The bill will republish the section allowing the tax credit.

SCS HB 1613 and HB 1445 and HB 1454 and HB 1462 and HCS HB 1471 and HB 1608 and HB 1612 and HB 1635 -- CONVEYANCES

This bill authorizes the following conveyances:

(1) In the City of Springfield, the Board of Governors of Southwest Missouri State University may sell property along South Scenic Avenue. This portion of the bill contains an emergency clause;

(2) In Stoddard County, the Governor may convey the National Guard Armory in Dexter to the City of Dexter and the National Guard Armory in Bernie to the City of Bernie;

(3) In Pemiscot County, the Governor may convey the National Guard Armory to the City of Caruthersville;

(4) In Jackson County, the Governor may convey the Felix Building to the Truman Medical Center and may sell Highlands I and Highlands II by public sale; and

(5) In Marion County, the Governor may convey state land near the National Guard Armory to the City of Hannibal.

HCS HB 1614 -- HEALTH INSURANCE

This bill extends the expiration date for the Mental Health and Chemical Dependency Insurance Act to January 1, 2011.

HB 1616 -- ADMINISTRATIVE RULES

This bill allows the Secretary of State to prescribe the format and medium for the publication of the Missouri Register; the Code of State Regulations; and all rules, notices of proposed rulemaking, and orders of rulemaking. Publications in a printed format will be available upon request.

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Under current law, new language in notices of proposed rulemaking may either be underlined or printed in boldface type. The bill eliminates that option and requires the bolding of new language.

Rules, regulations, standards, and guidelines of any agency of the United States or a nationally or state-recognized organization or association may be incorporated by reference in agency rules by state agencies without publishing the information in full. The reference must be sufficient to determine where to obtain copies of the referenced material. A full copy of the rule, regulation, standard, or guideline must be maintained by the agency referencing it and must be available for public inspection and copying at no more than the actual cost of reproduction.

CCS HCS HB 1617 -- OBSTRUCTION OF SECURITIES INVESTIGATIONS

This bill creates the crime of obstruction of a securities administrative proceeding or investigation. The crime is punishable by a fine of up to \$500,000, imprisonment for up to 10 years, or both. The crime is committed when a person alters, destroys, conceals, or withholds any record requested by the Commissioner of Securities in the Office of the Secretary of State with the intent of obstructing, evading, or influencing:

- (1) An investigation of a suspected securities violation; or
- (2) The administration of any other proceeding involving the regulation of securities.

HB 1622 -- COSMETOLOGY ESTABLISHMENTS

This bill expands the definition of "cosmetology establishment" to include rented space by a licensed cosmetologist providing cosmetology services in a licensed establishment.

HCS HB 1631 & 1623 -- REPEAL OF OBSOLETE PAROLE SUPERVISION REQUIREMENTS

This bill repeals the provision of the law which requires county superintendents of public welfare in third and fourth classification counties to provide supervision for persons who are on parole from the state penitentiary, the Missouri Reformatory, and certain training schools. The section contained outdated terminology.

SCS HB 1634 -- MILITARY DISCHARGE RECORDS; REPRODUCTION OF VITAL RECORDS

This bill provides that all images of military discharge records older than 75 years are deemed principally of historical or genealogical interest and will be open records.

The State Registrar of the Department of Health and Senior Services is required to accurately reproduce vital records with durable materials. The device used to produce a record must accurately reproduce and perpetuate the original record in all details. Under current law, documents may be disposed of when permanent reproductions have been made. The bill requires that death records over 50 years old be transferred to the Missouri State Archives and will be open records.

SCS HCS HB 1660 -- ACCIDENT REPORTS

This bill repeals the provision that prohibits law enforcement officers from releasing accident reports to anyone who is not an interested party until 60 days after the accident.

The required procedure for the processing of accident reports by law enforcement officers is clarified to include computer-generated reports, in addition to written reports.

HB 1664 -- BUSINESS ENTITIES

This bill changes the registration process for business entities that must register with the Secretary of State. Regarding all business entities, the bill:

- (1) Allows entities to file documents electronically and reduces filing fees for annual reports if they are filed electronically;
- (2) Repeals the requirement that filings be notarized;
- (3) Clarifies that all statements made in these filings are subject to the penalties for perjury;
- (4) Repeals the requirement that filings be made in duplicate;
- (5) Waives the 50-cent per page fee for certified copies of corporate records when requested electronically; and

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(6) Limits to 180 days the reservation of a name for a business entity.

Regarding limited liability companies (LLC), the bill:

(1) Requires any foreign LLC to provide a certificate of good standing or certificate of existence from the state in which it is domiciled;

(2) Establishes procedures for amendments of a foreign LLC's certificate of registration and a \$20 filing fee; and

(3) Establishes a \$5 fee for filing a statement of correction.

Regarding general corporations, the bill:

(1) Clarifies what information is required in the articles of incorporation, articles of amendment, and summary articles of merger;

(2) Lowers the fee for annual registrations from \$40 to \$15 when submitted electronically;

(3) Repeals provisions requiring corporations to notify the Secretary of State when they reduce stated capital;

(4) Allows a board of directors to consist of one person; and

(5) Allows a corporation to create a trust fund, purchase an insurance policy, or create any other kind of surety arrangement on behalf of its officers, directors, or agents for any potential liability, whether or not the corporation owns any stock in the insurer or surety entity. In the absence of fraud, the judgment of the board of directors is conclusive and the policy or surety is not voidable, regardless of whether the board members are beneficiaries of the insurance arrangement.

Regarding limited liability partnerships (LLP), the bill:

(1) Reduces the fee from \$20 to \$5 for a certified copy of good standing when submitted electronically and reduces the fee from \$100 to \$5 for an abstract of all LLPs registered with the Secretary of State;

(2) Revises the required information for an amended certificate of registration and establishes a fee of \$20; and

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(3) Reduces the late fee for failure to file an amendment to its certificate of limited partnership from \$10 per day to \$10 per month.

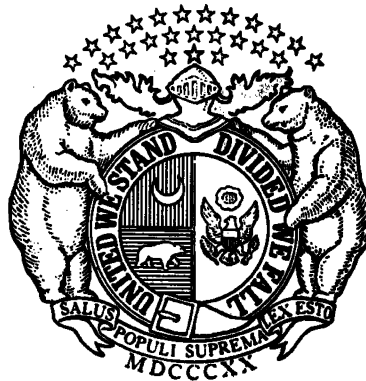
Fictitious name registrations must be renewed every five years, and the bill prohibits any entity from registering under a fictitious name which contains any words implying it is a governmental agency.

TRULY AGREED TO AND FINALLY PASSED

SENATE BILLS

**SECOND REGULAR SESSION
92nd GENERAL ASSEMBLY**

2004



**Prepared by
House Research Staff**

CCS HS HCS SS SCS SB 730 -- HOMESTEAD PRESERVATION ACT

This bill creates the Missouri Homestead Preservation Act which allows a person who is at least 65 and has a federal adjusted gross income of less than \$70,000 or is disabled to obtain a tax credit for increases in his or her property taxes which exceed 5% annually. Tax credits will be applied to the following year's property taxes and will be funded by state appropriation.

The provisions of the bill will expire six years from the effective date.

HCS SS SB 732 -- RECREATION AND ENTERTAINMENT DISTRICTS

This bill changes the laws regarding the metropolitan park and recreation district. In its main provisions, the bill:

- (1) Narrows the duty of the district to only the development, operation, and maintenance of a system of parks and trails;
- (2) Clarifies that nothing will restrict the district from entering into or initiating projects dealing with parks that are not necessarily connected to trails;
- (3) Requires that grants awarded to municipalities for park purposes must be consistent with the purpose of the district;
- (4) Prohibits the district from being a substitute for the powers and responsibilities of other conservation and environmental regulatory agencies; and
- (5) States that nothing in the statute will authorize the district to regulate water quality, watershed, or land use issues in the counties comprising the district.

The bill also enables St. Charles County to establish a theater, cultural arts, and entertainment district. In its main provisions, the bill:

- (1) Authorizes a sales tax in the district of up to one-half of 1%;
- (2) Establishes minimum criteria for the formation of the district, including land area and petition requirements;
- (3) Specifies the criteria for and the powers of the district's board of directors, including the power to issue bonds;

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(4) Requires subdistricts to be formed for voting and board representation purposes. A subdistrict that does not vote to approve the district and the sales tax will not be a part of the district nor will the sales tax be imposed within that subdistrict;

(5) Contains ballot language for the formation and possible dissolution of the district; and

(6) Requires the sales tax to be collected by the municipality and placed into a special trust fund for the purposes of the district.

HCS SS SCS SB 740, 886 & 1178 -- AGRICULTURE PROGRAMS

This bill changes the laws regarding agriculture.

TAX CREDITS

The bill allows tax credits to be taken against estimated quarterly taxes paid for:

(1) Investments in eligible new generation cooperatives or eligible new generation processing entities; and

(2) Contributions to the Agricultural Product Utilization Grant Fund.

These tax credits may be carried back three tax years.

The bill adds eligible new generation cooperatives, eligible new generation processing entities, and agricultural product utilization contributor tax credits to the restriction that the tax credits taken against insurance premiums will not reduce moneys transferred to the county stock insurance fund. The fund will be included in the calculations of state revenue.

The bill decreases the required number of employees in an employee-qualified capital project from 100 to 60 for investors to receive a New Generation Cooperative Incentive Tax Credit.

GROWER DISTRICTS

The bill allows for the formation of grower districts. A grower district will allow owners or operators of land to enter into common agreements to produce commercial crops within the district's boundaries.

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CLOSED RECORDS

The bill clarifies that records and documents that may endanger the competitiveness of a small business submitted to the Department of Agriculture or the Agricultural and Small Business Development Authority for grant or loan qualification are deemed closed. The amount and recipient of any loan or grant administered by the authority are public records.

MEAT INSPECTION

The bill requires the Director of the Department of Agriculture to promulgate rules consistent with the Federal Meat Inspection Act, the Federal Poultry Products Inspection Act, and all related federal regulations necessary to implement the meat inspection programs of the state.

DONATED VENISON

Currently, donated venison must be processed in a facility that is inspected by the United States Department of Agriculture. The bill allows it to be processed in a facility inspected by the Missouri Department of Agriculture.

ANIMAL HEALTH

The bill repeals obsolete provisions regarding animal health and inspections.

AGRICULTURAL BUSINESS DEVELOPMENT LOAN GUARANTEES

Currently, the Missouri Agricultural and Small Business Development Authority issues certificates of guaranty covering a first loss guarantee up to 25% of an agricultural business development loan, up to \$250,000. The bill increases the guarantee to up to 50% of a loan.

The bill also decreases from 40% to 20% the immediate redemption amount of the outstanding loans guaranteed by way of the Agricultural Product Utilization and Business Development Loan Guarantee Fund.

BOLL WEEVIL ERADICATION ASSESSMENTS

Currently, pursuant to the Missouri Boll Weevil Suppression Eradication Act, a cotton grower who fails to pay assessments is subject to a per-acre penalty. The bill provides that in addition to other remedies for the collection of delinquent

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assessments, including penalties and interest, the Department of Agriculture will have an assessment lien covering any current or future cotton crop grown by the producer and the proceeds of the cotton sale until the assessment, penalties, and interest are paid in full. The department will be subject to certain notification and procedural requirements.

SCS SB 757 -- MOTOR VEHICLES

This bill modifies the definition of "driveaway operation" to include the transporting of vehicles from one place to another by driveaway or towaway methods or by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not their own or vehicles that are required to be registered by the driveaway or towaway methods from the point of manufacture, assembly, or distribution or from the owner of the vehicle to a dealer or sales agent of the manufacturer or to any consignee designated by the shipper or consignor.

Driveaway license plates may only be used for the purpose of transporting vehicles and may not be used by tow truck operators moving wrecked, disabled, abandoned, improperly parked, or burned vehicles.

The bill extends the area of operation for land improvement contractors' commercial motor vehicles from 25 miles to 50 miles when transporting its owner's machinery, equipment, or supplies to and from projects involving soil and water conservation or to and from the dealer for maintenance.

The bill also exempts the commercial drivers' license requirements for emergency or fire personnel who drive their equipment in other functions such as parades and special events or for maintenance and repair service.

CCS HCS SCS SB 758 -- LOCAL TAXES

This bill changes the laws regarding local taxation. In its main provisions, the bill:

(1) Authorizes the governing bodies of the cities of Pacific, Sullivan, Union, Riverside, and Clinton, upon voter approval, to

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impose a transient guest tax for at least 2% but not more than 5%;

(2) Authorizes Andrew County, upon voter approval, to impose a sales tax not to exceed one-fifth of 1% on retail sales within the county to be used solely for museums;

(3) Prohibits the City of Edmundson from levying and collecting a license tax on hotels and motels in an amount in excess of \$27 per room per year and the City of Woodson Terrace an amount in excess of \$13.50 per room per year; and

(4) Repeals Shannon County's authorization to impose a tourist attraction ticket surcharge or transient guest tax.

CCS HS HCS SCS#2 SB 762 -- FOSTER CARE

This bill changes the laws regarding foster care services for children. In its major provisions, the bill:

(1) Requires background checks of any person over the age of 17 and any child less than 17 who has been certified as an adult and convicted of a crime, who are living in the home of an applicant for child care assistance;

(2) Allows the Children's Division within the Department of Social Services or the county juvenile office to request a name-based criminal history check when an emergency placement of a child must be made and requires them to determine whether any person under the age of 17 living in the home has been certified as an adult and convicted of or pled guilty to a crime;

(3) Requires the division to conduct a search for full orders of protection for anyone seeking a foster parent license or any person over the age of 17 in the applicant's household. The division must complete a background check on persons under the age of 17 who have been certified as adults and who are living in the home of an applicant for a foster parent license. The division is required to ask the applicant if there are any children living in the home who have been certified as adults and convicted of a crime;

(4) Requires the division to provide standards and training for prospective foster parents, as well as performance-based criteria for licensed foster parents;

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(5) Requires the Department of Social Services to place a child with relatives if the court has determined that the placement is not contrary to the best interests of the child. The court must make specific findings on the record detailing why placement with a relative is not in the best interests of the child;

(6) Specifies that the age of a relative may not be the only factor considered in determining whether to place the child with that relative;

(7) Requires the division to comply with the Federal Indian Child Welfare Act in placing Native American children;

(8) Requires the division to notify parents or legal guardians when their child is placed in foster care;

(9) Prohibits the removal of children from school before the end of the school day for placement in foster care without a court order;

(10) Requires the division to hold a family support team meeting prior to or within 24 hours after the protective custody hearing and additional meetings prior to taking any action relating to the placement of a child in its custody. The division is allowed to make a temporary placement of children in emergency situations, but requires the division to hold a family support team meeting within 72 hours of the placement. The bill specifies who must be invited to the family support team meeting and requires the division to use a form that must be signed by all involved parties at the end of the meeting; and

(11) Requires the case record of a child in protective custody to be made available for review by the parent or legal guardian of the child, except as otherwise provided for in Section 210.150, RSMo.

SCS SB 767 -- MEMORIAL HIGHWAY

This bill designates a portion of Interstate 44 in Webster County as the "Edwin P. Hubble Memorial Highway."

HCS SB 769 -- ROAD DISTRICTS

This bill allows Jasper County, upon voter petition and after a public hearing, to disincorporate any special road district.

The bill contains an emergency clause.

SB 772 -- FLASHING WARNING SIGNALS

This bill includes commercial passenger transport vehicles and railroad passenger cars that are stopped to load or unload passengers to the list of vehicles which may use flashing warning signals.

HCS SCS SB 782 -- COUNTY TREASURERS

This bill allows non-charter counties to appoint an interim treasurer in the event of a vacancy caused by death, resignation, or otherwise to serve until the treasurer returns or the unexpired term is filled by gubernatorial appointment.

The bill also allows the salary commission of Cape Girardeau County to determine in 2004 whether to equalize the base salary of the county treasurer to an amount not greater than the current maximum statutory salary for treasurers in counties of the first classification.

SCS SB 788 -- EMERGENCY VEHICLES

Current law exempts emergency personnel from the commercial driver's license requirements when driving a vehicle in an emergency. This bill expands that exemption to include when driving an emergency vehicle in other functions such as parades and special events or for maintenance and repair service. The definition of "emergency vehicle" is changed to include vehicles operated by enforcement personnel of the Highways and Transportation Commission.

The bill contains an emergency clause.

HCS SCS SB 799 -- VITAL RECORDS; DISPOSITION OF FETAL REMAINS

In the event of a spontaneous fetal death, this bill authorizes the parents or a sibling of the stillborn child to file an application with the State Registrar for a Certificate of Birth Resulting in Stillbirth. The certificate will be based on information obtained from the spontaneous fetal death report filed pursuant to Section 193.165, RSMo.

The certificate is required to contain the statement, "This is not proof of a live birth" in 12-point type. The bill allows the State Registrar or other custodians of vital records to charge a minimal fee for the costs of preparing the certificate. Any parent or, if the parents are deceased, any sibling of the stillborn child may file an application for a certificate for any birth that resulted in stillbirth prior to August 28, 2004.

The bill also establishes the Disposition of Fetal Remains Act. The bill:

(1) Requires that the mother of a dead human fetus determine the final disposition of the remains of the fetus in every instance of fetal death. The mother is allowed to choose any means of final disposition authorized by law or by the Director of the Department of Health and Senior Services;

(2) Authorizes the final disposition of human fetal remains by cremation, burial, incineration in an approved medical waste incinerator, or other means approved by the director. The disposition must be consistent with state law or administrative rules. If the disposition occurs by incineration, the remains must be incinerated separately from medical waste;

(3) Does not require a religious service or ceremony to be held;

(4) Requires licensed hospitals and other licensed health care facilities to adopt written standards for the disposition of human fetal remains. Licensed health care facilities are required to provide the mother with a copy of their written standards;

(5) Requires licensed hospitals or other licensed health care facilities to notify the mother within 24 hours of her right to determine the final disposition and the methods of final disposition of the fetal remains. The 24-hour notification is required if a miscarriage occurs at the facility; and

(6) Requires the licensed health care facility to provide

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on-site counseling services to the mother or refer the mother to an appropriate provider of counseling services concerning the death of the fetus.

The bill does not prohibit a woman's ability to obtain a legal abortion.

SB 807 -- CIVIL ACTIONS

This bill grants early consideration of a motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment in any action seeking damages against a person for conduct or speech made in connection with a public hearing or meeting. All pending discovery will be suspended until there is a final decision on the motion. If the right to an early consideration of a motion is used as an affirmative defense and the court grants a motion to dismiss on those grounds, reasonable attorney fees and costs incurred by the moving party will be awarded. If the court finds the motion to dismiss or motion for summary judgment is frivolous, the court will award attorney fees and costs to the prevailing party.

SCS SB 810 -- IMMUNITY FROM CIVIL LIABILITY FOR CERTAIN LANDOWNERS

Currently, immunity from civil liability is granted to landowners adjoining the Katy Trail State Park and certain municipal and county trails. The bill extends the immunity from civil liability to landowners adjoining all publicly owned trails and to landowners with an easement agreement for the use of their land as a public trail with the state or a political subdivision. The definition of "trail" is revised to describe any land which was acquired or utilized by the state or a political subdivision for use as a public hiking, biking, or recreational trail.

HCS SB 824 -- VEHICLE IDENTIFICATION NUMBERS

This bill allows peace officers the option to seize or not seize a motor vehicle that has a missing or illegible identification number and relieves the responsibility of storing a vehicle that

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does not have the proper identification number from the courts to the police agency investigating the circumstances surrounding the motor vehicle in question. Current law mandates law enforcement officers to seize any motor vehicle with an altered or missing public vehicle identification number despite any identifiable criminal intent.

SB 842 -- LICENSURE OF LODGING ESTABLISHMENTS

This bill changes the expiration date of lodging establishment licenses from May 31 to September 30.

The bill contains an emergency clause.

SCS SB 859 -- STATE HIGHWAY PATROL OFFICERS ON SCHOOL BOARDS

Current law prohibits members of the State Highway Patrol from holding elective office. This bill permits them to run for and serve on local school boards when they are otherwise qualified for the office.

HS HCS SB 870 -- SEXUALLY ORIENTED BILLBOARDS

This bill prohibits billboards or other advertising signs for an adult cabaret or sexually oriented business within one mile of any state highway. Businesses located within one mile of a state highway may display a minimum of two exterior signs on the premises. The bill specifies the size and information allowed on the sign.

Existing signs which do not meet this requirement may be allowed to continue in a nonconforming status but must be made to conform within three years.

The Attorney General will represent the state in all actions and proceedings arising from the bill. All costs incurred by the Attorney General to defend or prosecute this provision, including payment of all court costs; civil judgments; and, if necessary, any attorney fees, must be paid from the General Revenue Fund.

SCS SB 878 -- EXPERIMENTAL TARIFFS

Current law allows eligible school entities to purchase natural gas in aggregate, rather than individually, until June 30, 2005. This bill extends the program through June 30, 2007.

CCS HCS SB 884 -- REPUBLICATION OF STATUTES

This bill instructs the Revisor of Statutes to take certain actions when the Missouri Supreme Court or a federal court rules that a bill or a state statute is unconstitutional on procedural grounds. If a repealed or amended statute is affected, the revisor will reprint the statute as it existed before the enactment of the bill that was declared unconstitutional. If a new statute is affected, the revisor will publish a footnote indicating the court decision and explaining the reason for the removal of the statute.

SB 899 -- INSPECTION OF SCHOOL BUSES

This bill requires the State Highway Patrol to include the frames on school buses as part of the annual school bus inspection.

SCS SB 901 -- ENVIRONMENTAL CONTROL

This bill changes the regulatory authority of the Department of Natural Resources on underground storage tanks from the Clean Water Commission to the Hazardous Waste Management Commission.

The department can adopt rules and regulations more stringent than those of the United States Environmental Protection Agency. Any rule, except those made by the Petroleum Storage Tank Insurance Fund board of trustees, will be adopted after due notice as required by Chapters 260 and 536, RSMo. Section 260.370 will prevail over Section 644.143 or Section 644.026(8) if there is a conflict concerning authority for the risk-based remediation rule.

SB 920 -- STATE WATER PATROL

This bill expands the jurisdiction of the State Water Patrol from only the state's waterways and adjacent land to the power to arrest a person anywhere in the state when they witness a crime. In addition, when there is probable cause to believe that a person has committed a crime within the water patrol's jurisdiction, the officer may arrest that person anywhere in the state. If practicable, the officer must notify local law enforcement prior to making the arrest. Water patrol officers are allowed to request search warrants anywhere in the state, provided they notify the sheriff of the request.

The bill also expands the definition of "peace officer" as it relates to searches and seizures to include members of the water patrol.

SCS SB 921 -- ADMINISTRATIVE SEGREGATION OF OFFENDERS

This bill specifies that a review hearing to place an offender in administrative segregation while in a correctional facility is not a contested case pursuant to Chapter 536, RSMo.

The bill contains an emergency clause.

HCS SCS SB 942, 850 & 841 -- CONVEYANCES

This bill authorizes the Governor to convey various parcels of land including National Guard armories to the cities of Pierce City, Salem, and Neosho. The bill also authorizes the Governor to convey a strip of land to the City of Joplin that was inadvertently omitted from a previous conveyance.

The bill contains an emergency clause for the conveyances of the armory buildings to the cities of Pierce City and Salem.

HCS SCS SB 945 and SB 803 and SB 1257 -- SCHOOL-AGE CHILDREN

This bill requires the State Board of Education to encourage school districts to adopt service-learning programs to foster academic achievement, civic engagement, and character development. The state board will, upon request, provide

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technical assistance and help in locating financial resources for teachers developing service-learning programs and projects. These projects may be counted for credit in courses for high school graduation and may be used at any grade level to address state educational standards, where appropriate.

The bill also prohibits students who have been expelled for safe school violations from being counted as dropouts for accreditation purposes. The juvenile court will have concurrent jurisdiction with municipal courts on curfew violations by children. The Division of Family Services is permitted to interview possible victims of child abuse at the school or child care center if the alleged abuse did not occur on that property. This provision contains an emergency clause.

SB 951 -- POLITICAL SUBDIVISION CONTRACTS

This bill eliminates the requirement that political subdivisions must file a copy of their contracts with the Secretary of State and the recorder of deeds in the county where each contracting political subdivision is located.

SCS SB 952 -- KANSAS CITY POLICE OFFICERS

This bill creates new classifications and salary ranges for master police officers and master detectives and adds investigators to the salary range designated for detectives and police officers.

The Kansas City Board of Police Commissioners is authorized to offer incentive pay of no more than 10% of the base salary earned by police officers of any rank to those who are assigned duties which are unusually demanding and require an extraordinary degree of skill. Currently, the board can offer no more than 5%.

SCS SB 956 -- ANIMAL-DRIVEN VEHICLES

This bill allows persons operating animal-driven vehicles after dark to use lamps or lanterns which comply with the rules promulgated by the Department of Public Safety. The bill also allows persons to equip their vehicles with reflective material complying with the rules promulgated by the department rather than displaying the slow-moving triangle emblem.

HCS SS SCS SB 960 -- PROPERTY TAX REASSESSMENTS

This bill makes technical changes to various provisions of the property tax law in House Bill 1150 enacted in 2002. It clarifies that the inflationary growth factor allowed to be applied for each class or subclass of property upon reassessment may differ among the types of property. The limit for growth will be equal to the actual assessment in the class or subclass. However, the net limit for the political subdivision will still be the Consumer Price Index or 5%, as mandated by the Missouri Constitution.

The bill prevents the rollback calculation of the rates for the four classes of property from causing a roll-up of the personal property tax rate. When a rate must be revised-up to hold the political subdivision harmless after making the above calculation, the revision will be weighted based on the relative assessed valuation of the class or subclass of the property.

All existing and any future rules or forms interpreting the rate calculation in Section 137.073, RSMo, must be promulgated by rule and not incorporated into a rule by reference.

The City of St. Louis and counties other than St. Louis County are allowed to opt-out of the provisions of House Bill 1150. Current law makes these provisions effective January 1, 2005, but the bill changes the effective date to October 1, 2004, but then allows an opt-out provision before January 1, 2005. Once the provisions of House Bill 1150 are implemented in a county in a year of general reassessment, the county cannot opt-out. Any county that does opt-out may opt-in at a later date. If a political subdivision lies on the border of two or more counties and one of those counties has opted out without the others doing so, the governing body of the political subdivision must calculate a single blended rate for the school districts in the political subdivision.

The percentage taken from property tax collections for deposit into the county assessment fund is increased $\frac{1}{8}$ of 1% in counties of the first classification, counties with a charter form of government, and the City of St. Louis to a maximum additional amount of \$100,000 in any year for any county. In counties of the second, third, and fourth classification, an additional one-quarter of 1% will be deducted from the collections of all ad valorem property tax, not to exceed \$50,000 in any year for any county. The additional portion of property tax collections deposited into the county assessment funds will not be required when the State Tax Commission certifies an

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equivalent sales ratio for the county of less than or equal to 31 2/3% of the provisions of Section 138.395, RSMo. The State Tax Commission is required to conduct a study in four years after the bill becomes effective, to determine the impact of increased fees on assessed valuation. This subsection has an expiration date of December 31, 2009.

SCS SB 962 -- ATHLETIC TRAINERS

This bill requires the licensing of athletic trainers by the State Board of Registration for the Healing Arts. Currently, athletic trainers are only required to be registered.

SB 966 -- EMPLOYMENT SECURITY OF TEMPORARY EMPLOYEES

This bill provides that a temporary employee of a temporary help firm will have voluntarily quit employment if the employee does not contact the firm for reassignment prior to filing for benefits. A temporary employee is to be advised of this requirement.

The Missouri State Unemployment Council, created by the bill, will report annually to the Governor and the General Assembly its recommendations on pertinent legislation, the status and projected maintenance requirements for solvency of unemployment insurance, and the adequacy of unemployment compensation. The Division of Employment Security will provide the council with access to the division's records, services required, employee testimony, and recommendations on relevant legislation and rules. The council may, except if prohibited by a concurrent resolution by the General Assembly, commission an outside study of the solvency, adequacy, and staffing and operational efficiency of the Missouri unemployment system. The first study is authorized to begin in Fiscal Year 2005 and a successor study every five years thereafter. The council's composition, terms, appointment requirements, and voting and nonvoting designations are specified.

The bill also provides for the Revisor of Statutes to renumber certain subdivisions of Subsection 2 of Section 288.330, RSMo, and for the repeal of Section 288.397 of House Bill 1268 in 2004.

CCS HS HCS SS SCS SB 968 and SCS SB 969 -- EDUCATION

This bill changes the laws regarding education.

TEACHERS AND OTHER SCHOOL EMPLOYEES

Successor school districts must ensure access to the continuation of health care for retired teachers and employees of a district that lapses if the original district provided health care benefits at the time of its dissolution.

The proration factor is removed from the career ladder entitlement line in the School Funding Formula. This provision contains an emergency clause. Speech pathologists who hold both a teaching certificate and a certificate of clinical competence qualify for stage III of the career ladder program under certain circumstances.

Districts meeting certain financial criteria that place contracted teachers on leave more than 40 days after the education appropriations bill is signed must pay the teachers the greater of the salary for days worked or \$3,000. Teachers whose contracts are not renewed because of the district's financial conditions will receive notice of the reason. "Teacher" is defined to include certificated teachers who teach at the prekindergarten level in all districts except St. Louis City. Districts will not be reimbursed by the Department of Elementary and Secondary Education for more than one A+ Program coordinator based on the number of students.

The bill prohibits public school personnel from performing strip searches on students and from requiring students to remove emblems or garments, including those with religious significance, if they are worn in a nondisruptive manner. School bus drivers over the age of 70 will continue to be re-examined annually, but the background check will occur every three years instead of annually. Interpreters for the deaf who work for schools may be granted provisional certificates in education if they have novice or apprentice credentials and a valid interpreter's license or have applied for certification and licensure and have taken the test or affirm they will complete certification and licensure procedures within a specified time. Professional development for vocational-technical teachers must include contract hours in the subject area for which the certification is sought.

STUDENTS

Students who are suspended for violence or drug-related activity

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cannot be within 1,000 feet of any public school under certain conditions. Statutory rape and statutory sodomy are added to the list of offenses that preclude re-admission of students into regular classes. The St. Louis City school district is permitted to raise its compulsory school attendance age to 17 by action of the school board from school year 2007-2008 to 2011-2012. Districts may develop incentives or supplementary work as a consequence of a student's performance on the statewide assessments. The minimum admission age of 16 for students at the University of Missouri is removed.

SCHOOL DISTRICTS

School district officials, like officials of other political subdivisions, are currently limited to accepting \$1,500 annually for performing services for or making sales to their district. The bill raises the amount for school board members to \$5,000. Gas tariffs for school aggregate purchases are extended to June 30, 2007. The bill clarifies that the nepotism provisions of the Missouri Constitution apply to school districts. Districts that have web sites must post their personnel manuals and student handbooks on-line.

The St. Louis City school district is permitted to use a flexible bid advertising schedule of up to every five years for its depository, instead of an annual contract as in current law. The St. Louis City school district may buy out the remaining time on a superintendent's contract; currently, a buyout is limited to the remainder of the current year.

School districts may take up to five working days rather than the current three to schedule student residency waiver admission hearings. School districts that permit students to claim excused absences for athletics or other extracurricular activities must let students who participate in Future Farmers of America, 4-H, and similar organized competitions to attend competitions when the board policy permits and the sponsoring school employee approves. Students in these instances may be counted for average daily attendance. Beginning with school year 2005-2006, summer school attendance must be counted for the year in which it occurs; attendance from previous years' summer school will not count. Beginning with the 2004-2005 school year, if a school district schedules 10% fewer hours for kindergarten than in the immediately preceding year, it must use the current year's pupil count. The summer school and kindergarten pupil count provisions contain an emergency clause.

ASSESSMENTS AND ACCREDITATION

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The accreditation scoring rubric must not require points for the Parents as Teachers Program, although deficiencies may be noted as an area of concern and must reward districts that use instructional technology to accomplish their advanced placement goals. Students expelled for acts of violence will not count as dropouts for accreditation purposes.

OTHER PROVISIONS

The Joint Committee on Education, which currently meets every four years, may meet in any year when the President Pro Tem of the Senate and the Speaker of the House of Representatives appoints new members. The number of members increases from five per chamber to seven, and the study of education funding is added to the committee's charge. The Department of Elementary and Secondary Education must seek feedback on its rules and regulations and give priority to the review of existing regulations that could be relaxed in hard economic times without affecting student achievement. The Division of Family Services cannot meet with a child in the same school or child care facility where the abuse is alleged to have occurred. Currently, the division cannot meet with a child at any school or child care facility. This provision contains an emergency clause.

HCS SCS SB 972 -- MISSOURI PUBLIC SAFETY MEDAL OF VALOR

This bill authorizes the Governor to award a Missouri Public Safety Medal of Valor to a public safety officer, upon the recommendation of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty.

SCS SB 974 -- STATE LEGAL EXPENSE FUND

Under current law, a health care provider who donates services at a free health clinic is covered by the State Legal Expense Fund in the event of a malpractice claim. This bill clarifies that the health care provider's own malpractice insurance is not to pay any portion of a judgment or claim for which the fund is liable. The bill also clarifies that the malpractice insurance coverage by the state includes health care providers conducting free health screenings, in addition to providing treatment.

SCS SB 987 -- WATER DISTRICTS; WATER AND SEWER BONDS

This bill changes the laws regarding public water supply districts and the powers of the Board of Fund Commissioners. In its main provisions, the bill:

(1) Adds a requirement that a petition to form a public water supply district be served by certified mail to any municipality within one mile of the boundaries of the proposed public water supply district. Those municipalities are allowed to file an exception to the formation of the district;

(2) Clarifies that certain powers granted to public water supply district board of directors to sell district property are in addition to other board powers granted by law and are not subject to the terms and conditions of the other sections of law; and

(3) Requires a city owning a waterworks that receives an inquiry from a developer regarding water supply to a construction project located within the city and within a water supply district to notify the water supply district of the inquiry and the project location by certified mail within 10 days.

In addition to the amounts authorized prior to August 28, 2004, the bill authorizes the Board of Fund Commissioners to issue bonds for grants and loans pursuant to several sections of Article III of the Missouri Constitution. The authorizations are for:

(1) \$10 million of bonds for water pollution control, drinking water system improvements, and storm water control pursuant to Section 37(e);

(2) \$10 million of bonds for rural water and sewer projects pursuant to Section 37(g); and

(3) \$20 million of bonds for storm water control plans, studies, and projects in first classification counties and the City of St. Louis pursuant to Section 37(h).

SCS SB 992 -- TRANSPORTATION OF ANHYDROUS AMMONIA

This bill changes the specifications of containers approved for transporting anhydrous ammonia.

HS HCS SS SB 1000 -- DNA PROFILING SYSTEMS

This bill expands the collection and use of DNA evidence in criminal investigations. The bill:

- (1) Establishes the DNA Database Fund, to be administered by the Department of Public Safety and used for the ongoing operation of the state and local DNA index systems;
- (2) Establishes a \$30 surcharge on all felony cases and a \$15 surcharge on all misdemeanor cases to be assessed as court costs and deposited into the fund. This funding provision will expire on September 1, 2007;
- (3) Requires a DNA sample to be collected from every person convicted of any felony or any offense in Chapter 566, RSMo, regarding sex crimes, or any person civilly committed as a sexually violent predator. Current law requires collection only for offenses in Chapter 566 and felonies in Chapter 565;
- (4) Allows the state's DNA profiling system to be used to investigate any crime. Current law limits its use to investigating violent or sex-related crimes;
- (5) Clarifies that the Department of Corrections may have DNA samples collected by a contracted third party;
- (6) Requires county jail personnel to collect DNA samples from offenders under the custody of a county jail, subject to appropriations;
- (7) Clarifies that a DNA sample must be collected upon release from any correctional facility or any other detention facility;
- (8) Makes the acceptance of an offender from another state under any interstate compact conditioned upon the collection of a DNA sample when the offender has been convicted of an offense which would require a sample if committed in Missouri;
- (9) Requires the Board of Probation and Parole to recommend the revocation of the probation or parole of any offender refusing to provide a DNA sample;
- (10) Requires an offender to provide another DNA sample if for any reason the sample is not adequate;
- (11) Makes all DNA records and biological materials confidential and allows disclosure only to government employees for the performance of their public duties;

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(12) Allows an individual whose criminal case was dismissed or conviction reversed to request the court to order his or her DNA record expunged;

(13) Requires the State Highway Patrol's crime lab to expunge all DNA records of an individual upon receipt of a certified copy of the final court order reversing a conviction, as long as the person is not otherwise required to submit a DNA sample;

(14) Allows the highway patrol to refuse to expunge any physical evidence obtained from a DNA sample if evidence relating to another person would be destroyed;

(15) Prohibits courts from excluding evidence or setting aside any warrant or conviction due to a failure to expunge, or a delay in expunging, DNA records; and

(16) Allows a person who has been incarcerated and then exonerated through the use of DNA evidence to collect restitution from the state. A person who is determined to be innocent of the crime may receive \$50 for every day the person was incarcerated after the conviction. Payments will be made from the DNA Profiling Analysis Fund. The bill clarifies that this provision does not constitute a waiver of the state's sovereign immunity and prohibits the innocent person from seeking any civil redress from the state, any political subdivision, or their employees. To be determined actually innocent, the person cannot be serving a concurrent sentence for a separate crime, the person must have received a final order of release by the court, and all appeals of the order of release must be exhausted.

The provisions requiring the collection of DNA samples become effective January 1, 2005.

SCS SB 1003 -- CHILDREN'S MENTAL HEALTH

This bill establishes a comprehensive mental health service system for children. The system will be required to:

(1) Be child centered, family focused, and family driven. The needs of the child and family will dictate the types and mix of services provided;

(2) Provide community-based mental health services to children and their families;

(3) Respond in a culturally competent and responsive manner;

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- (4) Stress prevention, early identification, and intervention;
- (5) Assure access to a continuum of services;
- (6) Include early screening services;
- (7) Address problems associated with paying for mental health services for children;
- (8) Assure a smooth transition from mental health services appropriate for children to mental health services appropriate for adults;
- (9) Coordinate a service delivery system with providers and schools that serve children with emotional and behavioral disturbance problems; and
- (10) Be outcome based.

The bill requires the Department of Mental Health to develop a comprehensive children's mental health service system plan, which must be submitted to the General Assembly and the Children's Services Commission by December 2004. The requirements for the plan include:

- (1) Defining the mental health service and support needs of children and their families;
- (2) Defining a comprehensive array of services to be provided;
- (3) Establishing short- and long-term goals;
- (4) Describing the parameters for local implementation of the comprehensive children's mental health system;
- (5) Describing the importance of family involvement;
- (6) Describing financing mechanisms for the comprehensive children's mental health system;
- (7) Describing the coordination of services across child-serving agencies with emphasis on the involvement of local schools;
- (8) Describing methods for service, program and system evaluation, and the need for training and technical assistance; and
- (9) Describing the roles and responsibilities of state and local

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child-service agencies in the comprehensive children's mental health system.

The bill also makes changes to the laws regarding children's mental health services. The bill:

(1) Adds child-serving agencies within the comprehensive children's mental health service system to the definition of "mental health services" for the purpose of defining services for the Medicaid Program;

(2) Requires the Children's Division within the Department of Social Services to look at the children in its custody and determine which are there solely because of a mental health issue. Within 60 days of a child being identified, an individualized service plan must be developed to provide the appropriate and necessary services for the child;

(3) Requires the departments of Social Services and Mental Health to jointly develop a financing plan to provide for the payment by the Department of Social Services for services provided to children who are returned to their parents' custody;

(4) Requires the Department of Mental Health to develop a Comprehensive System Management Team to facilitate interagency cooperation and to assist the departments in developing strategies and ensuring positive outcomes for children who are served by the system; and

(5) Allows the means test of the Department of Mental Health to be waived for a child in need of mental health services in order to avoid the transfer of custody to the Children's Division.

SCS SB 1006 -- MEMORIAL HIGHWAY

This bill designates a portion of State Route 364 in St. Louis County as the "Buzz Westfall Memorial Highway." The highway will not include any portion of the Veterans Memorial Bridge.

HCS SB 1012 -- COLLECTION OF PROPERTY TAXES

Current law requires a person redeeming their property that has been sold at a tax foreclosure sale to pay interest of up to 10% on the entire purchase price of the property, even if the

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purchaser bid more than the delinquent taxes. This bill limits the interest paid to only the amount of the bid price that represents the delinquent taxes. This provision contains an emergency clause.

The bill clarifies that only current property taxes can be protested if the taxes are in dispute and allows a county collector to remove personal property taxes from the delinquent or back tax book after three years.

CCS HS HCS SCS SB 1020, 889 & 869 -- OPEN RECORDS LAW

This bill makes changes to the Open Records Law. In its main provisions, the bill:

(1) Grants an exception, until June 30, 2006, to the requirement that a newspaper must have been published regularly for three years to carry legal notices when a county is served by only one newspaper that meets all of the other requirements;

(2) Includes the University of Missouri board of curators and the Bi-State Development Agency in the definition of "public governmental body." The bill clarifies that public meetings include meetings held through conference calls, video conferences, and similar methods and that public votes include votes made by telephone and other electronic means. The definition of "public record" is changed to include records created or maintained by private contractors under agreements with public governmental bodies and documents prepared by consultants;

(3) Restricts roll call votes in elected public bodies to those who are physically present, except for committees and the General Assembly. In an emergency of the public body, as long as a quorum is physically present and the reason for the emergency is recorded in the minutes, absent members may vote by telephone, Internet, or other means;

(4) Requires that the notice of a meeting held by telephone or other electronic means identify the mode by which the meeting is held and provide information on public access. The bill also requires public bodies to permit taping and other electronic recording of their open meetings and permits these bodies to establish guidelines for the recording. Unauthorized audio taping of closed sessions is a class C misdemeanor;

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(5) Requires that a journal or the minutes of closed meetings be taken and retained by public governmental bodies;

(6) Authorizes public governmental bodies to close meetings, records, and votes relating to operational guidelines and policies adopted and maintained by public agencies responsible for health and safety for responding to or preventing terrorist incidents, when the agencies state in writing that disclosure would impair their protection duties and public interest in nondisclosure outweighs public interest in disclosure. Information regarding expenditures and contracts made by agencies in implementing these policies is not exempt. Voluntarily submitted information from nonpublic entities concerning infrastructure may be excluded and must be reviewed and returned or destroyed within 90 days if the information is not kept. Both of these exceptions sunset on December 31, 2008;

(7) Requires that the amount and source of private donations toward the salary of a chancellor or president of public higher education institutions be disclosed;

(8) Requires that all final audit reports by the auditor of a public governmental body be considered open public records;

(9) Allows a member of a public governmental body to record an objection to closing a meeting or vote. The objecting member may stay for the meeting or vote, and the recorded objection will be an absolute defense to any claim providing for actions against public governmental bodies and the imposition of monetary penalties;

(10) Requires members of public governmental bodies who electronically transmit messages relating to public business to two or more members to concurrently transmit the message to the member's office computer or the custodian of records, when, counting the sender, the message is sent to a majority of the body's members;

(11) Changes the fee for furnishing copies of most public records from the actual cost of the document search and duplication to 10 cents per page for paper copies up to legal size, with the hourly fee for duplicating not to exceed the average hourly rate of pay for clerical staff. Based on the request, the research and duplication must be done using employees that produce the lowest charge, and an estimate of charges must be furnished if requested. Charges for nonstandard size paper, electronic media, blueprints and similar materials, or for special requests are set at the actual cost;

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(12) Prohibits the custodian of public records from transferring custody, altering, or otherwise disposing of the records that are the subject of a civil action;

(13) Changes the civil fine of up to \$500 and payment of the successful party's costs and reasonable attorney fees for a purposeful violation to a civil penalty of up to \$1,000 upon a finding of a knowing violation of the law by a public governmental body, its members, or a law enforcement agency and permits the award of court costs;

(14) Requires a court, upon a finding of a purposeful violation of the law to impose a civil penalty of up to \$5,000 and court costs;

(15) Requires, in determining the amount of the penalty for a violation, the court to consider the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or its members have previously violated the laws;

(16) Requires a public governmental body when developing an electronic record-keeping system to do so in a format that is not an impediment to public access and to provide information in the format requested when it is possible to do so. The format must permit viewing and printing; and

(17) Removes the provision prohibiting law enforcement agencies from releasing accident or incident reports for 60 days to any person who is not an interested party.

The bill has a sunset date of December 31, 2008, for Section 610.021(18) and (19), which excludes from the Open Records Law, law enforcement or public safety agencies' operational guidelines and policies for responding to or preventing terrorist activities and certain information relating to security systems and infrastructure.

SCS SB 1040 -- HAZARDOUS WASTE MANAGEMENT

This bill changes the laws regarding the allocation of revenues deposited into the Solid Waste Management Fund each fiscal year. From August 28, 2004, to August 28, 2005, 10% of the fund, not exceeding \$800,000, will be available to promote the development and maintenance of markets for recovered materials. Up to 19% of

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the revenues will be used to administer the management and education of household and agricultural hazardous waste from family farms and corporations. After August 28, 2005, the amount will change from \$800,000 to \$1 million, and the percentage will change from 19% to 15%. From August 28, 2004, to August 28, 2005, up to 42% of the revenues will be used to eliminate illegal solid waste disposal, identify and prosecute persons disposing of solid waste illegally, conduct solid waste permitting activities, administer grants, and perform other duties. At least 58% of the revenues will be allocated through grants to participating cities, counties, and districts. After August 28, 2005, the percentages will increase to 25% and 50% respectively.

Sixty percent of the revenue generated within each region will be allocated to the cities and counties of the district or to persons or entities providing solid waste management, waste reduction, or recycling services in the district. From August 28, 2004, to August 28, 2005, each district will receive a minimum of \$75,000; and thereafter, each district will receive a minimum of \$45,000.

Any remaining moneys in the fund will be used to provide grants for statewide solid waste management planning or research projects including contracted services.

Beginning July 1, 2004, the bill requires a joint committee appointed by the Speaker of the House of Representatives and the President Pro Tem of the Senate to consider proposals for restructuring the fees paid by hazardous waste generators and hazardous waste facilities. The committee will consider options for expanding the fee structure to more fairly apportion the cost of services provided among those that benefit from the services and submit a report with its recommendations to the Governor, the House of Representatives, and the Senate no later than December 31, 2004.

Missouri treatment, storage, and disposal facilities that receive hazardous material from out-of-state generators are allowed to submit registration and reporting information in a format prescribed by the Department of Natural Resources describing the types and quantities of hazardous waste received from the out-of-state generator. As long as the facility submits this information to the department, the out-of-state generator will not be required to do so. The facility is also responsible for paying all fees and taxes on behalf of the out-of-state generator.

If moneys owed are not transmitted in the time frame established,

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interest will be imposed at the rate of 10% per annum from the due date.

The percent amounts on fees collected or received by the department for hazardous waste are revised. Forty percent will go to the Hazardous Waste Remedial Fund, and 60% will go to the Hazardous Waste Fund. This fee will expire June 30, 2006, except that the department will levy and collect this fee for any hazardous waste generated prior to the date and reported to the department.

The bill contains an emergency clause.

SB 1055 -- CIVILIAN EMPLOYEES' RETIREMENT SYSTEM

This bill requires the Retirement Board of the Kansas City Police Civilian Employees' Retirement System to appoint any member as a special consultant if they meet specific criteria which include:

- (1) Having a retirement status effective on or before August 28, 2003;
- (2) Receiving retirement benefits; and
- (3) Having applied to the board.

The bill also requires a funeral benefit of \$1,000 be paid in addition to all other benefits for this member. Proper proof of death is required before the benefit is paid.

SCS SB 1062 -- LIQUOR LICENSES FOR CATERERS

This bill allows caterers to be issued a special license to sell liquor at certain functions. A license valid for a maximum of 50 days during any year costs \$500, with a license for an unlimited number of functions and valid for one year costing \$1,000.

Caterers issued these licenses must report the location of each function at least three days in advance to the Supervisor of the Division of Alcohol and Tobacco Control.

SCS SB 1078 -- INSURANCE HOLDING COMPANIES

This bill subjects holding companies for property and casualty insurers to the same extraordinary dividend restrictions and requirements as holding companies for life and title insurers. The bill also clarifies net income as excluding net realized capital gains to the extent that realized capital gains exceed realized capital losses.

HCS SB 1080 -- EDUCATION ACCOUNTABILITY

ASSESSMENT AND ACCREDITATION

This bill requires by June 30, 2006, the Department of Elementary and Secondary Education to align performance standards on the Missouri Assessment Program (MAP) tests to levels that meet but do not exceed those used in the National Assessment of Educational Progress and to make other changes necessary to meet federal requirements. Grade level expectations must be considered in implementing performance standards. By July 1, 2006, the department must revise its accreditation standards to permit process and resource standard waivers consistent with academic performance profiles.

PRIORITY SCHOOLS AND ACADEMIC DEFICIENCY

The bill repeals the statute on academic deficiency; and the section on priority and performance schools is thoroughly revised, eliminating performance schools. The department will identify as a priority school any school that fails to meet the standards of student achievement established by the State Board of Education based upon certain factors specified in the bill, such as test performance, graduation rates, and attendance rates. Any district containing a priority school will submit a comprehensive school improvement plan, using the procedures and timeline established by the bill, that:

- (1) Identifies areas of academic deficiency on the MAP test by disaggregating scores, as specified; and
- (2) Implements research-based strategies, aligns the school's curriculum, and reallocates resources to address the areas of academic deficiency.

Priority schools will be listed in the district's annual school accountability report. The state board may appoint a team to

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conduct an educational audit to determine the factors that have contributed to the lack of student achievement. State aid may be withheld until the district submits an improvement plan.

OTHER PROVISIONS

The bill clarifies the counties from which five of the seven voting members of the Missouri Southern State University-Joplin board of governors will be selected for those appointed after August 28, 2004.

CCS HS HCS SS SCS SB 1081 -- RESIDENTIAL CONSTRUCTION

This bill creates a procedural prerequisite for filing a lawsuit for defective residential construction. In its main provisions, the bill:

- (1) Requires contractors to provide written notice to homeowners, including homeowners' associations, upon entering contracts of the right to offer to cure construction defects before homeowners may file legal actions;
- (2) Requires homeowners to provide written notice to contractors detailing the alleged defective construction prior to filing a lawsuit;
- (3) Requires contractors to respond timely in writing, offering an inspection followed by repair, monetary compensation, or disputation of the claim; offering monetary compensation; or disputing the claim; and
- (4) Describes the circumstances in which homeowners must first attempt a mediation of claims or may proceed directly to filing a lawsuit.

SB 1083 -- LEAD TESTING FOR CHILDREN

This bill changes the laws regarding lead testing for children.

Currently, the Department of Health and Senior Services is required to identify geographic areas in Missouri that are at high risk for lead poisoning. All children who are six months through six years of age who reside more than 10 hours a week in these areas are required to be tested annually by the department

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for lead poisoning. In addition, children six months through six years of age who do not reside more than 10 hours a week in the high-risk areas are required to be assessed through an annual questionnaire by the department to determine if they are at high risk for lead poisoning. The bill changes the age requirement to apply to all children less than six years of age.

SB 1086 -- HOMEOWNER'S INSURANCE

This bill prohibits a lender of a residential mortgage from requiring a borrower to purchase homeowners' insurance coverage in an amount exceeding the replacement value of the home and its contents.

HCS SCS SB 1091 -- COMMUNITY COLLEGE FACILITY MAINTENANCE FUNDS

This bill clarifies that the annual appropriation for maintenance and repair of community college facilities is exclusive of any capital appropriation, and the current 10% cap on these appropriations is also exclusive of the capital appropriation.

HCS SCS SB 1093 -- INVESTMENT OF PUBLIC FUNDS

This bill allows, under certain conditions, political subdivisions and other public entities to invest funds that are not immediately needed.

SCS SB 1096 -- INSTALLATION OF MANUFACTURED HOMES

This bill requires a person who engages in the business of installing manufactured homes to be duly licensed by the Missouri Public Service Commission. The bill:

- (1) Requires the commission to implement a program consistent with federal guidelines for the proper installation of manufactured homes;
- (2) Establishes licensing criteria;

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- (3) Authorizes the commission to waive training and examination requirements for persons holding licenses from other states and allows for reciprocal agreements to be made with other states;
- (4) Allows for the issuance of limited licenses for certain applicants;
- (5) Authorizes the commission to revoke, suspend, and refuse to issue licenses; file and investigate complaints; issue subpoenas; and file petitions with courts;
- (6) Requires the commission to adopt uniform standards for the proper installation of manufactured homes and requires installers to purchase a decal from the commission to be affixed to the home after the installation is completed; and
- (7) Creates the Manufactured Housing Fund for the deposit of fees to cover the costs.

CCS HS HCS SS SCS SB 1099 -- TAX CREDITS

Regarding the Tax Credit Accountability Act, this bill:

- (1) Classifies all tax credit programs by subject. These subjects are agricultural, business recruitment, community development, domestic and social, entrepreneurial, environmental, housing, redevelopment, and training and educational;
- (2) Requires specific additional information be included in all tax credit applications submitted after January 1, 2005. The bill explains these requirements. If the tax credit is given to someone who makes a contribution to a group, the application requirements apply to the recipient of the contribution, not the contributor;
- (3) Requires that specified follow-up information be reported for three years after tax credits have been issued. All of these reports are due on June 30. If the tax credit is given to someone who makes a contribution to a group, the reporting requirements apply to the recipient of the contribution, not the contributor;
- (4) Assesses penalties for failure to report;
- (5) Requires the departments of Revenue and Insurance to verify that tax credit applicants do not owe any delinquent taxes. If

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the applicant is delinquent, the amount of tax credits awarded will be reduced by the amount of taxes owed;

(6) Requires the administering agencies of all tax credit programs to implement a system that will track the amount of tax credits that are issued and redeemed except credits that are issued and redeemed simultaneously;

(7) Expands the duties of the Joint Committee on Tax Policy by requiring it to examine and assess the public benefit of any tax credit program that is subject to an audit by the State Auditor and provide a report to the General Assembly and the Governor with its findings and recommendations within six months of receiving the audit report;

(8) Allows a variety of information to be disclosed in a civil investigation, action, or proceeding. Current law only allows this information to be disclosed in criminal and quasi-criminal investigations, actions, or proceedings;

(9) States that records and documents related to tax credits that are submitted as part of the application will be considered closed records until a decision has been rendered regarding the application;

(10) Requires the Department of Economic Development to prepare an annual report regarding all economic incentives administered in the previous calendar year and specifies what must be included in the report;

(11) Requires the department to perform a cost-benefit analysis evaluating the effectiveness of all tax credit programs every four years;

(12) Requires the Interagency Development Task Force to annually submit a unified economic development report to the General Assembly by the third week of the regular legislative session. The bill explains the requirements of this report as well as the members of the task force;

(13) Prohibits tax credits for donations to the Missouri Higher Education Scholarship Fund and the Advantage Missouri Program from being approved, awarded, or issued after January 1, 2005; and

(14) Prohibits the owner or new owner of a business located in an enterprise zone from receiving the tax abatement or exemption if the business is closed for 30 days or more. The owner or new owner can reapply to receive the abatement or exemption, but cannot receive these benefits for longer than the original life of the enterprise zone.

SCS SB 1100 -- PUBLICATION OF ADMINISTRATIVE RULES

This bill allows the Secretary of State to prescribe the format and medium for publication of the Missouri Register; the Code of State Regulations; and all rules, notices of proposed rulemaking, and orders of rulemaking. Publication in writing will be available upon request.

Under current law, new language in notices of proposed rulemaking may either be underlined or printed in boldface type. The bill eliminates that option and requires the bolding of new language.

Rules, regulations, standards, and guidelines of any agency of the United States or a nationally or state-recognized organization or association may be incorporated by reference in agency rules by state agencies without publishing the information in full. The reference must be sufficient to determine where to obtain copies of the referenced material. A full copy of the rule, regulation, standard, or guideline must be maintained by the agency referencing it and must be available for public inspection and copying at no more than the actual cost of reproduction.

CCS HCS SCS SB 1106 -- CONVEYANCES IN BUCHANAN COUNTY

This bill authorizes the Governor to convey the Glore Psychiatric Museum and the artifacts and exhibits located in Buchanan County to the St. Joseph Museum, Inc.

The sale of state-owned real estate in Buchanan County is also authorized.

The bill contains an emergency clause.

SB 1107 -- CONVEYANCE IN BUCHANAN COUNTY

This bill authorizes the Governor to convey the Woodson Academy located in Buchanan County to the St. Joseph School District.

SB 1111 -- LAW LIBRARY FUNDS

This bill allows moneys from the law library fund in Grundy County to be used for courtroom renovation and technology enhancements.

HCS SB 1114 -- REMOVAL OF NUISANCES

This bill extends from August 28, 2004, to August 28, 2005, the termination date of Section 82.291, RSMo, regarding the removal of nuisances. Cole and Boone counties are allowed to enact ordinances to provide for the abatement of a situation on any lot or land which may endanger public health or safety and is declared to be a public nuisance, including noxious weeds, in residential subdivisions. Noxious weeds are added to the current specified nuisances which Jefferson County is allowed to abate by ordinances.

HS HCS SS SS SCS SB 1122 -- PROFESSIONAL REGISTRATION

This bill changes the laws regarding the regulation of professions by the Division of Professional Registration.

DEAF INTERPRETERS

Persons enrolled in accredited interpreter training programs are exempt from licensure if they are only engaged in activities which constitute part of their course of study.

Certified deaf interpreters from other states will be allowed to practice without a license for the purpose of providing temporary services at special events.

The division is given the authority to deny license renewal of deaf interpreters for failure to provide satisfactory evidence of current certification with the commission.

DIETITIANS

Provisions regarding the licensing of dietitians are modified.
The bill:

(1) Establishes the Commission on Accreditation for Dietetics Education of the American Dietetic Association as the accrediting

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body for persons wishing to become licensed dietitians in this state;

(2) Creates definitions for "dietetic practice," "dietitian," "licensed dietitian," "medical nutrition therapy," and "registered dietitian";

(3) Places the State Committee of Dietitians within the division;

(4) Authorizes the committee to assist the division in enforcing the provisions of the Dietitians Practice Act;

(5) Requires the committee to approve the licensing examination;

(6) Prohibits persons from using the title or saying they are licensed dietitians unless duly licensed by the committee;

(7) Exempts certain persons from licensure that do not call themselves licensed dietitians; and

(8) Contains provisions regarding lapsed and inactive licenses.

INTERIOR DESIGN

The title "registered commercial interior designer" is changed to "registered interior designer" in the statutes dealing with their licensing.

Political subdivisions are not required to use registered interior designers for residential construction purposes.

TATTOOISTS

The division is authorized to issue temporary licenses for persons entering the state for the sole purpose of participating in a state or national convention where the applicant will be practicing the profession of tattooing, body piercing, and branding. The temporary license will be valid for 14 days.

BARBER APPRENTICES

The bill provides for the licensing of barber apprentices and the certification of barber apprentice supervisors. Prior to being eligible to apply for a barber's license, barber apprentices must work at least 2,000 hours under a licensed barber who is certified by the State Board of Barber Examiners as a barber apprentice supervisor. Applicants for a barber apprentice certificate must be at least 17 years old.

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DENTISTRY

Laws regarding the practice of dentistry and the powers of the Missouri State Dental Board are revised. The bill:

- (1) Gives the board authority to issue and enforce subpoenas;
- (2) Allows the board to investigate any person licensed to practice dentistry or any entity permitted to provide dental services in the state;
- (3) Expands the practice of dentistry to include persons attempting to control or influence a dentist's independent professional judgment regarding diagnosis and treatment. Exemptions are provided for certain licensed health care professionals;
- (4) Allows dental hygienist students and certain persons practicing dentistry in federally qualified health and homeless centers to provide services without a license;
- (5) Allows certain not-for-profit corporations to provide dental services if the corporation employs persons licensed in this state and serves certain low-income populations;
- (6) Lists the not-for-profit organizations and corporations which are exempted from the income restrictions;
- (7) Requires not-for-profit corporations to obtain a permit from the board. Not-for-profit corporations will be subject to discipline in the same manner as any other licensee of the board; and
- (8) Exempts federally qualified health centers from the permit process but requires them to register with the board. The registration is not subject to discipline, but licensees are subject to discipline by the board for actions taken while working at the centers.

DENTAL HYGIENE ADVISORY COMMISSION

The Missouri Dental Board is required to pay a per diem not to exceed \$50 a day for actual and necessary expenses incurred by members of the Advisory Commission for Dental Hygienists.

PHYSICAL THERAPISTS

This bill changes the laws regarding the licensing of physical therapists

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and physical therapy assistants. Persons having failed the physical therapy or physical therapist assistant licensing exam three or more times may be licensed by the State Board of Registration for the Healing Arts if they hold an unsanctioned license from another state and have maintained a clinical practice for the previous three years. Persons having failed the physical therapy licensing exam three or more times and not holding a license from another state may take the licensing exam three additional times if they have obtained a professional degree in physical therapy at a higher level than previously completed.

Temporary licenses for physical therapists and physical therapist assistants are required to be valid for only 90 days or until the results of the licensing exam are received.

It is a cause for discipline when a licensed physical therapist practices independent of the prescription and direction of a physician, dentist, or podiatrist licensed in another state.

NURSING

Only persons licensed as registered nurses and recognized by the State Board of Nursing as an advance practice nurse may use the title "Advance Practice Registered Nurse."

The definition of "qualified employment" under the Nursing Student Loan Program is modified to include any licensed hospital as defined by the Hospital Licensing Law.

SOCIAL WORKERS

Residents of Missouri holding licenses to practice social work in other states will be granted licenses to practice social work if the other state's license requirements are substantially the same as Missouri's.

Licensed clinical social workers will be eligible for Medicaid reimbursement.

PHARMACY

The bill contains provisions relating to pharmacies, pharmacists, pharmaceutical services, and drug distributors. The bill:

(1) Allows the State Board of Pharmacy to place the names of pharmacy technicians on the employee disqualification list;

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(2) Gives the board the authority to refuse to issue certificates of registration or licenses and suspend or restrict licenses for certain conduct;

(3) Authorizes the board to issue civil penalties against unlicensed persons engaging in the practice of pharmacy;

(4) Allows for an appeals process for the imposition of civil penalties before the Administrative Hearing Commission;

(5) Provides for immunity from civil liability for persons providing good faith information regarding licensees;

(6) Adds two new pharmacy classifications: non-sterile compounding pharmacy and Internet pharmacy;

(7) Gives the board the authority to terminate the distribution of prescription drugs that have been adulterated, misbranded, or stolen; and

(8) Allows the board to request an order of payment for disciplinary cases from the commission when complaints are filed and actual and necessary costs are incurred from investigating and prosecuting the case. If it is determined that the order of payment represents the actual and necessary costs associated with investigating and prosecuting the case, the commission is required to issue an order of payment to the licensee when discipline is imposed.

SPEECH PATHOLOGY ASSISTANTS

Provisions regarding the licensing requirements of speech pathology assistants are repealed and the bill requires them to have a bachelor's degree.

BAIL BOND AND SURETY RECOVERY AGENTS

The bill changes the laws regarding bail bond agents and establishes a licensing procedure for surety recovery agents, generally known as bounty hunters. The bill specifies the requirements for obtaining a license to be a bail bond agent or surety recovery agent, establishes fees to cover the administration of the licensing, and grants authority to the Director of the Department of Insurance to regulate those agents. The bill:

(1) Prohibits anyone from engaging in the bail bond business without being licensed by the department. Violation is a class A misdemeanor, and any subsequent offense is a class D felony;

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(2) Requires bail bond agents and surety recovery agents to receive at least 24 hours of basic training and eight hours of biennial continuing education, with a curriculum approved by the department. The costs of the training are to be paid by the applicant, but the cost cannot be more than \$200 for the basic training and \$150 for the biennial continuing education. Persons with at least two years of peace officer experience are exempt from the required training as a surety recovery agent;

(3) Requires a \$150 licensing fee, with the licenses valid for two years;

(4) Allows the department to demand additional assignment of assets from a bail bond agent if circumstances warrant, up to \$25,000. Current law allows up to \$10,000;

(5) Requires the collateral demanded by bail bond agents to be reasonable in relation to the amount of the bond;

(6) Allows the department to establish reciprocal agreements with other states which have similar qualifications and training requirements for bail bond industry licensees;

(7) Prohibits the granting of a bail bond agent license or surety recovery agent license to anyone who, within the last 15 years, has been convicted of a felony; a crime involving moral turpitude or child molestation; or any crime involving the use of a weapon;

(8) Grants the department authority to issue cease and desist orders to any person violating any of the provisions of the bill;

(9) Grants the department subpoena power to compel testimony regarding possible violations;

(10) Authorizes the department to file complaints with the Administrative Hearing Commission against licensees; and

(11) Allows bail bond agents to detain subjects in a lawful manner and enter upon public or private property in order to execute apprehension of a subject, if the agent has probable grounds to believe the subject breached the terms of the surety agreement. Agents may not detain subjects for more than 72 hours.

Provisions of this section become effective January 1, 2005.

ATHLETE AGENTS

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All athlete agents operating in this state will be required to be registered and certified by the division. Fees for registration and renewal will be established by the division and deposited into the Athlete Agent Fund, which is created by the bill. Registration and certification are valid for a two-year period and may be renewed indefinitely. The division director may refuse to issue a certificate or may suspend or revoke a certificate because of the following circumstances:

- (1) The applicant has been convicted of a crime of moral turpitude;
- (2) The applicant made false statements on the application;
- (3) The applicant has had a similar license suspended or revoked in another state; or
- (4) The applicant has caused a student-athlete to be suspended from or to be ineligible for any interscholastic or intercollegiate athletic event.

The bill requires all contracts between agents and athletes to be written and contain certain information, including the basis for the agent's fee and a notice warning the student-athlete about the possible loss of eligibility.

LICENSURE OF FOREIGN APPLICANTS

Persons from foreign countries when making application for a license or temporary permit to practice within any of the professions regulated by the division must provide their visa and/or passport identification number in lieu of a social security number.

FUND ACCOUNTS

The bill requires moneys in the Athletic Fund, the State Committee of Psychologists Fund, the Committee of Professional Counselors Fund, the Marital and Family Therapists Fund, and the Hearing Instrument Specialist Fund to be three times the preceding year's appropriation prior to being placed in the General Revenue Fund.

SB 1123 -- MEDICAID REIMBURSEMENT FOR NURSING HOMES

This bill creates the Elder Care Protection Act of 2004 and requires the Division of Medical Services within the Department of Social Services to annually recalculate the Medicaid per diem reimbursement rate of each nursing home facility participating as a provider in the Medicaid Program. The bill:

(1) Requires the recalculation to be performed over three state fiscal years and in three separate payments beginning July 1, 2004;

(2) Requires the recalculation to be based on a facility's reported costs which are filed with the department, beginning with the facility's fiscal year ending in 2001; and

(3) Prohibits the division from applying a minimum utilization adjustment factor to a recalculation.

The bill contains provisions pertaining to the factors used in the recalculations which begin July 1, 2004. Effective July 1, 2007, each facility will receive a full Medicaid recalculation based on its 2004 Medicaid cost report of adjusted costs.

The bill contains an emergency clause.

SB 1130 -- REGIONAL PLANNING COMMISSIONS

This bill specifies that regional planning commissions will be considered political subdivisions for the purposes of Sections 70.600 - 70.755, RSMo. Employees of regional planning commissions are eligible for membership in the Missouri Local Government Employees' Retirement System once the commission is considered an "employer" as defined in Section 70.600. Moneys owed to any retirement system must be paid prior to the dissolution of the commission.

HS SCS SB 1155 -- ECONOMIC DEVELOPMENT

This bill changes the laws regarding economic development.

JOBS NOW PROGRAM

The bill:

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(1) Creates the Jobs Now Recommendation Committee which is comprised of representatives from the departments of Economic Development, Agriculture, Natural Resources, and Transportation. The committee will establish application materials and procedures for development agencies to follow when applying for grants and loans from the Board for Jobs Now projects. Applications must be submitted simultaneously to the committee and the board. The committee will review the applications and prepare analyses and recommendations for submission to the board, which the board can use when determining whether or not to approve a particular project for a grant or loan;

(2) Explains what determinations must be made by the board before all or part of a grant or loan can be made. The board must give preference to projects that protect natural resources or rehabilitate dilapidated or inadequate infrastructure found in distressed communities. The board must also determine that the Jobs Now project will not happen without the grant or loan; will have a significant local economic impact; or demonstrates high levels of job creation. In the case of a low- or no-interest loan, the board must determine that the Jobs Now project will generate sufficient revenues to repay the principal loan amount and any applicable interest. No loan or grant may exceed \$2 million;

(3) Creates the Jobs Now Fund, which will be administered by the Missouri Development Finance Board. The board is authorized to make loans and grants from the Jobs Now Fund. Up to \$12 million will be allocated to the fund annually. This money will come from the increase in state revenues resulting from the elimination of new or expanded business facility tax credits, enterprise zone tax credits and exemptions, transportation development tax credits, and tax credits for qualified research expenses;

(4) Requires Jobs Now projects to provide appropriate employment and business opportunities for minority, women, and disadvantaged business enterprises;

(5) Defines "jobs now projects";

(6) Repeals a provision of current law that requires copies of all documents filed with the board regarding a loan be forwarded to the Department of Economic Development. Current law requires that, if this information is forwarded to the department, they become responsible for the administration of the agreements. In the event of a substantial default in the terms of any of these

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agreements, the department must notify the board so that it can take the necessary steps to protect its interests.

ENHANCED ENTERPRISE ZONES

The bill:

- (1) Explains the criteria an area must meet to qualify as an enhanced enterprise;
- (2) Requires all enhanced enterprise zones to have a board with seven members. The bill explains the membership of the board and requires the board to report annually to the director of the department on the status of the zone;
- (3) Requires all governing authorities that want to have an enhanced enterprise zone within its jurisdiction to hold public hearings. The bill outlines the requirements of the hearing and notification;
- (4) Explains the required elements of the governing body's petition asking the department to designate an enhanced enterprise zone;
- (5) States that enhanced enterprise zones will be designated for 25 years and become effective upon the department's approval;
- (6) Allows improvements made to real property located within an enhanced enterprise zone to be exempt from ad valorem taxes for up to 25 years from the date on which the zone is designated. At least 50% of the ad valorem taxes which are imposed on subsequent improvements to real property located within an enhanced enterprise zone will be exempt from taxation for at least 10 years;
- (7) Allows the owner of a new business in an enhanced enterprise zone a tax credit. The tax credit can be claimed for up to 10 years;
- (8) Prohibits the department from authorizing more than \$4 million annually for all enhanced business enterprises until January 1, 2007, and no more than \$7 million annually thereafter;
- (9) Allows expansions of existing businesses to be eligible for the tax credits, as long as the same criteria for a new business facility are met;
- (10) Allows tax credits to be sold or transferred but prohibits them from being carried forward;

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(11) Allows the department to adopt rules, policies, and procedures that are necessary to carry out the enhanced enterprise zone provisions; and

(12) Allows all enterprise zones established before January 1, 2006, to receive the tax benefits of an enhanced enterprise zone, but not until after January 1, 2007.

JOB TRAINING FOR RETAINED JOBS

The bill allows community college districts to enter into project agreements, with the approval of the Department of Economic Development after consultation with the Office of Administration, with employers who have retained jobs in a stable industry. The requirements for qualifying employers are specified. The term "stable industry" is defined as one which has maintained at least 100 employees per year, has agreed to make a \$1 million capital investment, and is at risk of leaving the state.

Community colleges will provide job training, skills assessments, and training facilities among other services and may subcontract with other public or private colleges and governmental agencies. The agreements may provide that program costs be met by receipt of retained jobs credits from withholding, based on 2.5% of the gross wages paid to employees in the first 100 retained jobs and 1.5% for any additional retained jobs. The employer is responsible for meeting any shortfall in withholdings. Community college districts may issue industrial retained job training certificates to provide funds for the payment of the costs of the programs, with a statewide cap of \$25 million.

A project is prohibited from using this program if it is also using the New Jobs Training Program.

ST. CHARLES COUNTY THEATER, CULTURAL ARTS, AND ENTERTAINMENT DISTRICT

The bill authorizes voters and property owners in St. Charles County to establish a theater, cultural arts, and entertainment district to be funded by a sales tax of up to 0.5%. Minimum criteria is established for the formation of the district, including land area and petition requirements.

Registered voters or property owners may file a petition requesting that the district be established. This petition can be filed with the governing body of the city in which the district is to be established or any circuit court in St. Charles County. The bill specifies the requirements of the petition. A

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hearing regarding the formation of the proposed district must be held before the question can be placed on a ballot at an election. Subdistricts within the district can oppose the creation of the district and be excluded from the sales tax.

The district will be controlled by a board of directors. Qualifications of the board and the powers possessed and exercised by the district are specified.

The sales tax will be collected by the district and placed into a special trust fund for the purposes of the district. The sales tax cannot be increased or abolished if the district has outstanding debts.

HICKORY COUNTY RURAL EMPOWERMENT ZONES

Hickory County is authorized to establish up to two rural empowerment zones. The department will review the application to ensure that the area meets certain criteria.

New businesses and revenue-producing enterprises located in the zone will be exempt from paying all Missouri income taxes attributable to the business until August 28, 2014, provided the business creates a certain number of new full-time jobs within one year from the date on which the tax exemption begins. New businesses must create at least 10 new jobs; revenue-producing enterprises that employ fewer than 20 people must create at least five new jobs; and revenue-producing enterprises that employ 20 or more people must create a number of new jobs equal to 25% of the number of full-time employees employed by the revenue-producing enterprise.

LINKED DEPOSITS

The bill defines "eligible multi-tenant development enterprises" as a new business that develops multi-tenant lab space for targeted industries, as determined by the department. The total amount of money that can be invested in linked deposits is increased by \$10 million, raising the amount that can be invested at any one time to \$360 million. No more than \$10 million can be used for linked deposits to eligible multi-tenant development enterprises.

SALES TAXES

The cities of St. Joseph, Springfield, and Joplin; any city within the counties of Jasper and Butler County; and Butler and Buchanan counties are allowed to impose a sales tax for economic

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development. The tax cannot be more than 0.5%, and no revenue from the tax can be used for any retail development project. No more than 25% of the revenue generated can be used for administrative purposes, and at least 20% of the revenue generated must be used for long-term economic development preparation. If this tax is imposed, the governing body must establish an economic development tax board which must develop economic development plans, economic development projects, or designations of development areas.

The board must report annually to the appropriate governing body on the status of any plan, project, or designation. At any election, the question of whether or not the tax should be repealed can be put on the ballot at the discretion of the governing body. If a petition calling for the repeal is signed by 10% of the registered voters, the governing body must hold an election on the issue.

BUSINESS LICENSE TAX

Under current law, a business license tax up to \$10,000 may be imposed by villages with less than 1,300 inhabitants. The limit is increased to \$15,000.

The bill also:

- (1) Prohibits tax credits for new or expanded business facilities from being approved, awarded, or issued to new businesses after January 1, 2005;
- (2) Prohibits tax credits for qualified research expenses from being approved, awarded, or issued after January 1, 2005;
- (3) Prohibits revenue-producing enterprises from receiving enterprise zone tax exemptions, tax credits, or refunds for businesses that begin operations after January 1, 2005;
- (4) Prohibits tax credits for investment in, or relocating a business to, a distressed community from being approved, awarded, or issued after January 1, 2005;
- (5) Repeals the Missouri Individual Training Account and the Mature Worker Child Care Program;
- (6) Increases the cap on Neighborhood Assistance Program tax credits that can be approved from \$4 million to \$6 million in 2005, 2006, and 2007. In 2008 and beyond, this cap will remain at \$4 million;

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(7) Expands the definition of "eligible industry" as it relates to the Business Use Incentives for Large-Scale Development (BUILD) Program to include a tax preparation company headquarters in Kansas City as long as the company creates 100 new jobs for eligible employees. The company must also invest at least \$15 million in an economic development project;

(8) Increases the aggregate amount of BUILD tax credits that can be authorized from \$11 million to \$15 million;

(9) Prohibits any sales tax authorized in St. Louis County for storm water control or local parks from being assessed on the sale of food;

(10) Repeals the Community Comeback Act. The local use tax in St. Louis County, which is currently used to fund the program, will be used for economic development and enhancing local government in St. Louis County. This tax cannot be imposed on the sale of food. The bill defines "economic development";

(11) Requires the department to designate enterprise zones in the cities of Sugar Creek, St. Ann, Pacific, and St. Clair; an enterprise zone that is partially located in the City of Nixa and partially in the City of Ozark; and an enterprise zone that is partially located in the cities of Sugar Creek, Independence, and Kansas City;

(12) Requires the department to designate enterprise zones in Shelby, Webster, Douglas, and Laclede counties and authorizes through 2015 the enterprise zones that exist in Linn and Macon counties;

(13) Requires any area of the state that qualifies to be an enterprise zone to be designated as one;

(14) Allows designations within Springfield's enterprise zone to be continued for 25 years from the time of the designation rather than from the time the zone was created;

(15) Requires that any abatement or exemption for a business in an enterprise zone stop 30 days after the business closes or there is a significant change in the type of business conducted. A new owner can reapply to receive the abatement or exemption, but cannot receive the benefit for any period of time beyond the life of the zone;

(16) Allows property within an enterprise zone to be exempt from

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taxation for up to 25 years from the date on which the exemption is granted, not the date on which the zone is designated;

(17) Expands the definition of "distressed community" to include areas within metropolitan statistical areas that were designated as either a federal empowerment zone, a federal enhanced enterprise community, or a state enterprise zone designated prior to January 1, 1986, but will not include the expansion of those zones done after March 16, 1988;

(18) Removes eligible farmers' markets from the list of organizations to which services can be provided in exchange for neighborhood assistance tax credits. "Eligible new generation cooperative" is also removed from the list of definitions. These changes are the result of a court decision that declared Senate Bill 894 unconstitutional. Everything that was in Senate Bill 894 was left in statute, but is unenforceable;

(19) States that the St. Louis County Metropolitan Park District is not restricted from initiating projects related to parks not necessarily connected to trails. The bill prohibits the district from regulating water quality, watershed, or land use issues in St. Louis County;

(20) Expands the definition of "development project," as it relates to the Missouri Rural Economic Stimulus Act (MORESA), to include eligible new generation processing entities. Current law only allows projects that create renewable fuel production facilities to participate in MORESA. The bill also allows the Missouri Agricultural and Small Business Development Authority to charge reasonable fees associated with the development project, instead of the Missouri Development Finance Board;

(21) Allows the City of Springfield to levy a community improvement sales tax;

(22) Prohibits the City of Edmundson from levying a hotel/motel license fee in excess of \$27 per room per year and prohibits the City of Woodson Terrace from levying a hotel/motel license fee in excess of \$13.50 per room per year;

(23) Expands the definition of "municipality," as it relates to the Community Improvement District Act, to include any city, village, incorporated town, or any unincorporated area of St. Louis County. Current law defines "municipality" as any city located in any first or second classification county and the City of St. Louis; and

(24) Expands the Community Improvement District Act to allow any district formed as a political subdivision to establish a sales tax to fund the district. Current law allows only the City of Kansas City to levy this tax.

HS HCS SCS SB 1160 -- PRESCRIPTION DRUG REPOSITORY PROGRAM

This bill establishes the Prescription Drug Repository Program in the Department of Health and Senior Services. The program must be established by January 1, 2005.

In its main provisions, the bill:

- (1) Requires the program to accept and dispense donated prescription drugs to Missouri residents who meet eligibility criteria;
- (2) Establishes criteria for the acceptance of drugs used in the program;
- (3) Specifies who can donate prescription drugs to the program and the facilities where the drugs will be collected;
- (4) Allows the voluntary participation of pharmacies, hospitals, and nonprofit clinics;
- (5) Requires that a participating pharmacy, hospital, or nonprofit clinic dispense the donated prescription drugs to eligible Missouri residents in compliance with applicable federal and state drug laws;
- (6) Allows a participating entity to charge a fee for the donated prescription drugs. The resale of donated prescription drugs is prohibited;
- (7) Prohibits persons or entities who do not violate provisions of the bill and who act in good faith from being subject to criminal or civil liability;
- (8) Requires the director of the department, in consultation with the Missouri State Board of Pharmacy, to adopt rules to implement the program; and
- (9) Specifies the subject areas and procedures that the rules are required to address and implement;

Any person who knowingly resells any donated drugs will be guilty of a class D felony.

SCS SB 1172 -- ST. LOUIS ARCHIVES

This bill authorizes the Secretary of State to open and maintain an archival facility in the City of St. Louis and creates the Missouri State Archives - St. Louis Trust Fund. Moneys placed in the fund will be used for the development and maintenance of the facility and cannot be made part of the general operating budget or transferred to the General Revenue Fund, nor will general revenue be appropriated for the facility.

HCS SCS SB 1181 -- PHYSICAL THERAPISTS

This bill changes the laws regarding the licensing of physical therapists and physical therapy assistants. Persons having failed the physical therapy or physical therapist assistant licensing exam three or more times may be licensed by the State Board of Registration for the Healing Arts if they hold an unsanctioned license from another state and have maintained a clinical practice for the previous three years. Persons having failed the physical therapy licensing exam three or more times and not holding a license from another state may take the licensing exam three additional times if they have obtained a professional degree in physical therapy at a higher level than previously completed.

Temporary licenses for physical therapists and physical therapist assistants will only be valid for 90 days or until the results of the licensing exam are received.

The bill also makes it a cause for discipline when a licensed physical therapist practices independent of the prescription and direction of a physician, dentist, or podiatrist licensed in another state.

SCS SB 1188 -- ANNUITY CONTRACTS

This bill amends the formula that may be used for determining the minimum present value of an annuity when it is terminated early. Current law requires these contracts to offer a minimum interest rate of 1.5%. The minimum rate is removed and allows it to be tied to the five-year Constant Maturity Treasury Rate, as reported by the United States Federal Reserve. Sellers of annuities are allowed to use the current formula, which expires on July 1, 2004, until July 1, 2006.

The bill contains an emergency clause.

SCS SB 1195 -- JUVENILE COURT PERSONNEL

This bill removes the six-month election deadline to receive prior creditable service within Section 211.393.2(e), RSMo.

The definition of "juvenile court employee" is changed to include juvenile court personnel who were paid by a grant, prior to July 1, 1999, allowing their service to be creditable under the Missouri State Employees' Retirement System.

HS SCS SB 1196 -- FIREWORKS REGULATION

This bill changes the definitions and permit requirements for displays or proximate fireworks and where fireworks can be stored and ignited. It increases the fees the State Fire Marshal charges for permits and changes the distribution of the fees between the General Revenue Fund and the Fire Education Fund.

Any false statement or declaration made on a permit application may result in the State Fire Marshal refusing to issue a permit for up to three years. Civil penalties are established for anyone who manufacturers, sells, offers for sale, ships, or causes fireworks to be shipped into the state without possessing the applicable permits.

All costs associated with an adjudication of rights pursuant to the bill will be placed upon the defendant.

HCS SB 1211 -- COURT PERSONNEL AND COURT PROCEDURES

This bill changes the laws regarding court personnel and court procedures. In its major provisions, the bill:

- (1) Specifies that the Joint Committee on Legislative Research annually collate, index, print, and bind all laws and resolutions passed or adopted by the General Assembly;
- (2) Revises the requirements for the publication and distribution of all laws and resolutions by the joint committee;
- (3) Requires that each edition of the Revised Statutes of Missouri and its annotations be produced in an electronic format and allows the Revisor of Statutes to distribute the revised statutes in the electronic version or the bound version, or both;

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(4) Specifies that the State Legal Expense Fund is available for health care providers who serve in county jails and any attorney licensed to practice law in the State of Missouri who practices law at a non-profit community social services center qualified as exempt from federal taxation, or through any federal, state, or local government agency;

(5) Specifies that the juvenile court has concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance;

(6) Requires the juvenile officer to make a risk and needs assessment of any child taken into custody;

(7) Specifies the form for verified pleadings in proceedings under Chapter 452, RSMo;

(8) Allows the court to issue a direct payment order for guardian ad litem fees in a dissolution or separation proceeding;

(9) Specifies that the filing of a parenting plan for a child over the age of 18 is not required in a proceeding involving the establishment or modification of custody, visitation, or support;

(10) Revises the definitions of "stalking" and "course of conduct" and adds definitions for "repeated" and "alarm" as they relate to the adult abuse and child order of protection statutes;

(11) Allows the court to retain jurisdiction over a full order of protection for its entire duration and schedule regular compliance reviews. The terms of an order of protection are enforceable by all remedies available at law for the enforcement of a judgment;

(12) Specifies that the clerk and other non-judicial personnel of the probate division of the circuit court of any city not within a county will be appointed by the judge of the probate division with the consent of the court en banc, unless otherwise provided by local court rule;

(13) Establishes an exception to the current requirement that a person is disqualified from serving as a juror if that person is unable to read, speak, and understand English when the disability is due to a vision or hearing impairment which can be adequately compensated for through the use of auxiliary aids or services;

(14) Allows court clerks to collect a fee for processing

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passport applications and allocates part of the fee to the county where the application was processed;

(15) Removes a provision that exempted municipal judges and court personnel in Jackson County from the court management and case docketing rules of the Jackson County circuit court;

(16) Requires the judge of the court to make the decision as to whether the juror can be excused for physical or financial hardship reasons and specifies when an exemption for extreme physical or financial hardship is warranted or when individuals may request a postponement of their jury service. A person who fails to appear for jury service and has failed to obtain a postponement is in civil contempt of court, and the court may impose a fine not exceeding \$500 and order the prospective juror to complete a period of community service;

(17) Specifies that an employee is not required to use vacation, sick, or personal leave for jury duty and requires a court to reschedule the service of a summoned juror of an employer with five or fewer employees if another employee has been summoned to appear during the same period;

(18) Increases from eight to 12 the maximum number of small claims cases that a party can file in one year;

(19) Allows law library fees to be used for courtroom renovation and for debt service on bonds in any county not on the nonpartisan court plan;

(20) Allows Cass and Jefferson counties to assess a \$10 surcharge in criminal cases to fund the operation of the county judicial facility;

(21) Adds certain types of property to the list of property that is exempt from attachment and execution;

(22) Provides that in rent and possession actions pursuant to Chapter 535, the strict notice requirements for termination of month-to-month tenancies in Section 441.060 are not applicable; and cases will be heard by a court without a jury;

(23) Allows for an appeal of denials of class action certification;

(24) Revises provisions relating to trial de novo in small claims court and landlord tenant actions;

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(25) Allows injunctions to be granted by a circuit judge or an associate circuit judge;

(26) Revises the provisions relating to the public notice of a name change for individuals who are victims of a crime involving domestic violence or child abuse;

(27) Removes the requirement that the notice in landlord tenant proceedings be made by certified mail;

(28) Revises the statute of limitations for a civil action for recovery of damages suffered as a result of childhood sexual abuse from five to 10 years after the victim reached the age of 21 or within three years of when the victim discovered that the injury or illness was caused by childhood sexual abuse;

(29) Allows for the application and issuance of search warrants and arrest warrants by facsimile or other electronic means;

(30) Adds documents of historical significance with a fair market value of \$500 or more to the items specified in Section 570.030, relating to stealing;

(31) Revises the definition of "library" and the crime of library theft;

(32) Specifies that certain records of investigations by peace officers must be made available to hiring law enforcement agencies;

(33) Allows the Office of Prosecution Services to assist prosecuting attorneys with developing an automated case management and criminal history reporting system;

(34) Revises provisions relating to the Crime Victims' Compensation Fund;

(35) Allows the release of law enforcement incident and investigative reports to family members if the person involved is deceased or incompetent;

(36) Allows court-appointed legal counsel in electroconvulsive therapy cases to be awarded reasonable attorney fees;

(37) Removes the requirement that deputy sheriffs in Marion County reside in the City of Hannibal;

(38) Allows certain medical professionals to be excused from

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jury service if they provide a written statement to the court certifying that they are providing health care services to patients and the medical professional's jury service would be detrimental to their patients; and

(39) Allows real estate licensees to be immune from civil liability for statements made by engineers, surveyors, geologists, and inspectors in certain situations.

HS SS SCS SB 1233, 840 & 1043 -- MOTOR VEHICLES

This bill changes the laws regarding motor vehicles.

DRIVEAWAY OPERATIONS

The definition of "driveaway operation" is modified to include the transporting of vehicles from one place to another by driveaway or towaway methods or by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not their own or vehicles that are required to be registered by the driveaway or towaway methods from the point of manufacture, assembly, or distribution or from the owner of the vehicle to a dealer or sales agent of the manufacturer or to any consignee designated by the shipper or consignor.

Driveaway license plates may only be used for the purpose of transporting vehicles and may not be used by tow truck operators moving wrecked, disabled, abandoned, improperly parked, or burned vehicles.

The bill also extends the area of operation for land improvement contractors' commercial motor vehicle from 25 miles to 50 miles when transporting its owner's machinery, equipment, or supplies to and from projects involving soil and water conservation or to and from the dealer for maintenance.

MOTOR VEHICLE REGISTRATIONS

Beginning July 1, 2005, the bill allows the Director of the Department of Revenue to refuse to issue or renew a motor vehicle registration if the owner owes vehicle-related fees or fines to the cities of St. Louis or Kansas City. The notification and appeals process are specified.

VEHICLE-RELATED FINES

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Certain cities are allowed to collect traffic fines, parking fines, towing and vehicle immobilization fees, and the associated penalties and court costs at the same time as a taxpayer's personal property taxes.

TRADE-IN CREDITS

The bill removes the restriction requiring a person trading in an article to be the owner or holder of a properly assigned certificate of ownership for trade-in credit or partial payment on a motor vehicle, trailer, boat, or outboard motor.

HIGHWAYS AND TRANSPORTATION COMMISSION

Two members, one from each opposing political party, who have the most seniority will serve as commission chair and vice chair until March 1, 2005. Then the commission will elect the two senior members from the opposing political parties to serve as chair and vice chair for one year. The following year and thereafter the chair and vice chair will rotate positions.

CHIEF COUNSEL

The chief counsel is placed under the direction of the Director of Transportation, with the consent of the Highways and Transportation Commission. The chief counsel currently is directed by the commission.

EMINENT DOMAIN BY HIGHWAY COMMISSION

When the Highways and Transportation Commission acquires real estate through eminent domain, the restriction or loss of access to any adjacent highway must be considered when assessing damages. Restriction or loss of access includes the prohibition of making right or left turns into or out of the real estate involved if access was present before the proposed improvement was built.

LOCAL LOG TRUCK TRACTOR

A "local log truck tractor" is defined as a commercial motor vehicle used exclusively in Missouri to transport harvested forest products from a site in an area extending not more than a 50-mile radius and operating with a weight not exceeding 22,400 pounds on one axle or 44,800 pounds on any tandem axle. When operating on an interstate highway system, the vehicle will have to abide by the weight restrictions provided by law and not have more than three axles and not pull a trailer which has more than two axles.

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REISSUANCE OF LICENSE PLATES

An advisory committee is established within the Department of Revenue to design new plates. The advisory committee will consist of the Director of the Department of Revenue, the Superintendent of the State Highway Patrol, the Missouri Vocational Enterprises Administrator, and the chairpersons of the Senate and House of Representatives transportation committees. The committee must hold at least three public meetings around the state and must adopt the final design by April 1, 2006. The Department of Revenue, beginning January 1, 2007, will issue new license plates. The department may charge a fee, up to \$2.50 or \$1.25 for vehicles requiring a single plate, to cover the cost of reissuance.

TABS

Beginning January 1, 2009, tabs will be produced and issued on demand in each license bureau office. The numbers recorded on the tab must be the same number that appears on the license plate.

PERSONALIZED LICENSE PLATES

The restriction that personalized plates not exceed six characters in length is removed. The bill adds language regarding the type of vehicles that can display personalized license plates and changes the requirement that a temporary permit instead of a stock plate be issued until the personalized license plate is available.

SPECIAL LICENSE PLATES

The bill allows for the issuance of the following special license plates:

"MARCH OF DIMES," "NAACP," "MISSOURI AGRICULTURE," "FORMER MISSOURI LEGISLATOR," "FRIENDS OF KIDS WITH CANCER," "SPECIAL OLYMPICS MISSOURI," "BE AN ORGAN DONOR," "FOXTROTTER-STATE HORSE," "TO PROTECT AND SERVE," "THE MASTERS," "FRIENDS OF YOUTH," "MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS," "ALPHA PHI OMEGA," "BOY SCOUTS OF AMERICA," "WE SHALL NOT FORGET," "DELTA TAU DELTA," "CAMP QUALITY-FUN FOR KIDS WITH CANCER," "SEARCH AND RESCUE," "THETA CHI FRATERNITY," "U. S. VET," and "WINNING WOMEN."

The bill also allows for a Lewis and Clark license plate for supporters of the Missouri Travel Council and makes changes to

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the "AMATEUR RADIO," "KINGDOM OF CALONTIR," "FIREFIGHTER," "CONSERVATION HERITAGE," and "CHILDREN'S TRUST FUND" license plates.

No special plates will be issued until 200 applications have been received and the organization deposits with the Department of Revenue a fee of up to \$5,000 to defray the cost of issuing, developing, and programming the implementation of the specialty plate.

Biennial registration is allowed for speciality plates.

SALVAGE MOTOR VEHICLES

The definition of "salvage vehicle" is revised to include any motor vehicle, semitrailer, or house trailer which has been damaged to the extent that the total cost of repairs to rebuild the vehicle to its condition immediately before it was damaged exceeds 75% of the fair market value of the vehicle prior to the damage.

The total cost of repairs to rebuild or reconstruct a vehicle will not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or any sales tax on parts or material to rebuild or reconstruct a vehicle. The bill also defines "fair market value."

Salvage titles may be negotiable with one reassignment on the back of the title by a registered dealer or an insurance company. Certification by a member of the State Highway Patrol is required to license a salvage motor vehicle. In first classification counties, however, the certification may be performed by a metropolitan police officer.

Insurance companies are allowed to obtain a clear title without a salvage designation on a stolen vehicle which has not sustained damage to the extent that the vehicle would have been declared a salvage vehicle (75% threshold). After the stolen vehicle has been inspected by the highway patrol and the insurance company returns any previously issued salvage certificate, the department will issue a title without the salvage designation.

The bill allows insurance companies who purchase a vehicle through the claims adjustment process for which they are unable to obtain a negotiable title to apply for a salvage certificate of title.

If a salvage certificate of title has been issued for the same

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vehicle but no prior inspection and verification has been made in this state, an inspection and a verification of the vehicle identification numbers will be conducted by the highway patrol before an original Missouri certificate of ownership is issued.

Salvage motor vehicle dealer licenses are required to be renewed biennially instead of annually and the \$65 annual fee changes to \$130 for a biennial license.

RECONSTRUCTED MOTOR VEHICLES

The Department of Revenue will issue a reconstructed motor vehicle certificate of ownership for a vehicle classified as a reconstructed motor vehicle 40 years or older with a value of up to \$3,000 upon the submission of a application including:

- (1) An affidavit explaining how the vehicle was acquired and, if applicable, the reason a valid certificate of ownership cannot be furnished;
- (2) Photo copies of receipts, bills of sale, or titles and the source of all major component parts used to rebuild the vehicle;
- (3) A \$150 fee in addition to the regular fees; and
- (4) An inspection from the highway patrol or other law enforcement agency authorized by the Director of the Department of Revenue.

TRANSFER NOTICES

A transfer notice procedure is established when a person sells or transfers an interest in a motor vehicle or trailer. Transferors must notify the department within 30 days of the transfer on a form developed by the department. Transfers to and from motor vehicle dealers will be exempt from the provisions. The notice does not constitute an assignment or release of any interest in the vehicle or trailer. Retail sales including sales of new vehicles made by licensed dealers will be reported pursuant to the monthly sales report law. Upon receipt of the notice, the department will change their records to reflect the transfer. Until a new title is issued for the transferred motor vehicle or trailer, the department must provide the owner's name on the title and indicate that the records show a notification of transfer but do not show a title transfer. The department must also provide the name of the transferee if it is available. If the department does not receive a title application from the named transferee within 60 days of receiving the transfer notice,

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the department will notify the transferee to apply for title. A person will be guilty of a class C misdemeanor if he or she knowingly submits false information on the transfer notice. Sellers of motor vehicles or trailers who fail to provide a transfer notice will be guilty of an infraction. These provisions become effective January 1, 2006.

BENEFICIARY TRANSFER

A beneficiary is allowed to make one reassignment of a title upon the death of the owner without transferring the title to the beneficiary.

MONTHLY SALES REPORTS

The department is allowed to levy penalties against dealers who fail to file monthly sales reports or file them untimely. Delinquent filers will be subject to the disciplinary provisions or a penalty up to \$300 per violation. The bill allows the reports to be filed electronically after January 1, 2006. Dealers selling 20 or more motor vehicles per month will be required to file the reports beginning January 1, 2007. Dealers electronically filing their monthly sales report are exempt from filing the notice of transfer and those who do not will submit the notice with their monthly sales report.

RECREATIONAL VEHICLE DEALER SHOWS

Out-of-state recreational vehicle dealers who wish to participate in a vehicle show or exhibition are required to notify the Department of Revenue at least 30 days prior to the event. The department must then determine if the dealer complies with Missouri's laws. If the dealer does not comply, the department must notify the dealer at least 15 days prior to the event of their inability to participate. The department may assess a fine up to \$1,000 for any violation.

TOWING COMPANIES

Towing companies performing law enforcement requested tows and nonconsensual private property tows must meet the following requirements:

- (1) Maintain a verifiable business address or storefront;
- (2) Maintain a fenced, secure, and lighted storage lot or an enclosed, secure building;
- (3) Be available 24 hours a day and seven days a week;

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(4) Maintain an insurance policy or other form of security in the amount of \$500,000 per incident;

(5) Provide workers' compensation for all employees, if required to do so by law; and

(6) Maintain current motor vehicle registrations on all of the towing fleet.

Second, third, and fourth classification counties are exempt from the towing standards.

Towing companies are allowed to access department records when attempting to determine the owner of abandoned property.

ABANDONED PROPERTY

The current criminal statute on abandoning a motor vehicle is modified. The last owner of record of a motor vehicle will be deemed prima facie to have been the owner of the motor vehicle at the time of abandonment unless the person has filed notice with the department that the person's interest in the motor vehicle has been transferred. The registered owner will not be subject to penalties if the motor vehicle was in the care, custody, or control of another person at the time of the violation and submits an affidavit naming the person who was in control of the car. The affidavit will raise a rebuttable presumption that the named person was in control of the vehicle, and the court can then terminate the prosecution. If the vehicle is alleged to have been stolen, the owner must submit a police report. Any person convicted of abandoning a motor vehicle will be liable for all towing and storage charges, and the liability will remain even if the motor vehicle is sold pursuant to a towing lien.

The City of Kansas City is allowed to adopt by ordinance regulations for the removal and sale of abandoned property by requiring: (1) the department to search the records to determine ownership of the abandoned property; (2) notification to the owner by mail advising of the towing and impoundment; (3) vehicles older than six years and more than 50% damaged by collision, fire, or decay that are valued at less than \$200 be held at least 10 days before being sold to a licensed salvage or scrap business; and (4) all other vehicles be held at least 30 days before being sold.

A law enforcement officer is authorized to remove property abandoned on the right-of-way of an interstate highway which is left unattended for four hours, instead of 10 hours, if the

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abandoned property is a serious hazard to other motorists. Property abandoned on the right-of-way of an interstate highway outside of an urbanized area which is left unattended for four hours, instead of 48 hours, if it is a serious hazard to other motorists may also be removed.

RAILROAD CROSSINGS

Operators of commercial motor vehicles are required to reduce their speed and be sure that a railroad track is clear.

SCHOOL BUS ENDORSEMENTS

Any individual who operates a school bus must have a school bus endorsement on their driver's license. In order to obtain a school bus endorsement, an applicant must submit two sets of fingerprints. One set of prints will be used by the State Highway Patrol to search the criminal history repository, and the second set will be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. The applicant will pay the fees for the state criminal history information and the federal criminal history record. Any person who possesses a valid driver's license from another state with a valid school bus endorsement and who is otherwise qualified to receive a school bus endorsement in this state will be issued the permit.

This provision becomes effective September 30, 2005.

STREET ROD AND CUSTOM VEHICLE REGISTRATIONS

New registration procedures are established for street rods and custom vehicles. The bill spells out when and what type of vehicle may qualify under these categories. The annual fee will be \$15 in addition to the regular registration fees. Owners of these vehicles must certify at the time of registration that the vehicles will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses and will not be used for daily transportation. These vehicles are exempt from vehicle inspections and emission tests. License plates for these vehicles will bear the words "STREET ROD" or "CUSTOM VEHICLE." A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.

COMMERCIAL MOTOR VEHICLE REGISTRATIONS

The statutory provisions regulating commercial motor vehicle

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registration are moved from the Highway Reciprocity Commission to the Highways and Transportation Commission. The move was necessitated because of reorganization under the Governor's Executive Order 02-03 (February 7, 2002).

The Highways and Transportation Commission is allowed to establish procedures for the quarterly staggering of annual commercial motor vehicle registrations.

COMMERCIAL DRIVER'S LICENSES

The bill creates the following crimes:

(1) Driving a commercial motor vehicle while revoked if a person operates a commercial motor vehicle and a prior violation has caused a license to be revoked, suspended, canceled, or the driver is disqualified from operating a commercial motor vehicle is a class A misdemeanor;

(2) Driving a commercial motor vehicle on a fourth or subsequent offense with commercial driving privileges revoked or suspended, with no prior alcohol-related enforcement contacts, and the defendant waived the right to an attorney and the prior three offenses occurred within 10 years and the person served a 10-day sentence on the previous offenses is a class D felony;

(3) Driving a commercial motor vehicle while intoxicated with commercial driving privileges revoked on the third and subsequent offense and the defendant waived the right to an attorney and the two prior offenses occurred within 10 years and the person received a 10-day sentence or more is a class D felony;

(4) Driving a commercial motor vehicle while intoxicated with commercial driving privileges revoked on the second or subsequent conviction is a class D felony; and

(5) Driving a commercial motor vehicle while revoked on a fourth or subsequent conviction for other offenses is a class D felony.

Holders of a commercial driver's license (CDL) are allowed to avoid the assessment of points upon the completion of a driver-improvement program. They will not be allowed limited driving privileges for a commercial vehicle if their driving privileges are suspended, revoked, canceled, denied, or disqualified. However, they will be allowed to obtain a limited driving privilege for a noncommercial motor vehicle.

The bill adds the following requirements when processing a CDL license:

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(1) Applicants for a CDL must disclose the names of all states which have issued them a CDL during the previous 10-year period;

(2) The Director of the Department of Revenue is required to obtain driving record information from any state licensing system in which the person had been issued a license before the initial issuance of a CDL and for the first renewal; and

(3) A CDL driving record must contain a complete history of the driver, including information and convictions from previous licensing states.

The definition of "disqualification" is modified to include suspension and revocation of commercial driver's licenses, withdrawal of driving privileges, or a determination by the Federal Motor Carrier Safety Administrator that the driver is not qualified to operate a commercial motor vehicle. The bill also modifies the definition of "commercial motor vehicle" to include vehicles designed to transport 16 or more passengers instead of 15 as provided by the current law; the definition of "driving under the influence of alcohol" to include offenses committed while driving a commercial or noncommercial motor vehicle; and the definition of "serious traffic violation" to include driving a commercial motor vehicle without a CDL in the person's possession or driving a commercial motor vehicle without the proper endorsement for the type of vehicle being driven or cargo being transported. The director is required to disqualify any driver the United State Secretary of Transportation has determined to constitute an imminent hazard. A person who drives a commercial motor vehicle without having their CDL in their possession will be guilty of a class A misdemeanor although a person may later submit proof to the court of their proper license. Driving a commercial motor vehicle in a manner which causes a fatality due to their negligent operation will disqualify the driver.

Any driver who violates an out-of-service order is subject to a civil penalty not to exceed an amount determined by the United States Secretary of Transportation in addition to the disqualification.

Individuals who have been issued a CDL will not have the right to have an alcohol-related offense expunged from their records. Under the bill, a federal, state, county, municipal, or local court cannot defer imposition of judgment, suspend imposition of sentence, or allow an individual who possesses or is required to possess a CDL to enter into a diversion program that will prevent a conviction for any violation of any traffic law from appearing

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on the driver's record maintained by the department to comply with federal law. Failure to do so could result in the withholding of federal highway funds.

The commercial driver license provisions become effective September 30, 2005.

DIGITIZED IMAGES

A photo or digital image of a person's full facial features is required on all driver's or nondriver's licenses unless the person files an objection due to a religious affiliation.

LAWFUL PRESENCE

Beginning July 1, 2005, the director of the department will not issue a driver's, nondriver's, or CDL license for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures, by rule or regulation, to verify the lawful presence of an applicant and establish the duration of any license issued. United States citizens will be considered lawfully present regardless of their physical location at any given time.

LICENSE FRAUD

Any person who commits or assists another person in committing fraud or deception during any examination process or knowingly conceals a material fact; provides information which contains or is substantiated with false or fraudulent information or documentation; or otherwise commits a fraud in an application for an instruction permit, driver's, nondriver's, or commercial driver's license or permit is guilty of a class A misdemeanor. This provision contains an emergency clause.

TRAFFIC SIGNAL PREEMPTION SYSTEMS

The use of traffic signal preemption systems which are used to control traffic signals at intersections and in front of emergency stations are regulated. The bill allows these devices to be used by:

- (1) Emergency vehicle operators during an emergency or to control a traffic signal from a station where emergency vehicles are housed;
 - (2) Authorized bus operators to maintain a longer green light;
- and

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(3) Authorized operators in a traffic signal maintenance vehicle in order to facilitate traffic signal maintenance activities.

An unauthorized person using the device will be guilty of a class B misdemeanor.

ALL-TERRAIN VEHICLES

The definition of "all-terrain vehicle" (ATV) is changed to include ATVs weighing up to 1,000 pounds and ATVs with a seat designed to carry more than one person. The bill also specifies that current provisions for ATVs which prohibit carrying a passenger will not apply to ATVs designed to carry more than one person.

LOW-SPEED VEHICLES

Operators of low-speed vehicles are allowed to use public highways under certain conditions. A low-speed vehicle is a four-wheeled vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards. It cannot be operated on a street or highway with a posted speed limit greater than 35 miles per hour. The vehicle will be exempt from inspection and emission testing, but must comply with the federal standards. Every operator of a low-speed vehicle must maintain financial responsibility and have a driver's license. Cities and counties may promulgate ordinances which are more stringent than the provisions in the bill.

EXTENDED SERVICE CONTRACTS

The bill regulates the sale of extended service contracts for the repair, replacement, or maintenance of motor vehicles. The bill does not apply to warranties, maintenance agreements, commercial transactions, and service contracts sold to non-consumers. Those providing service are required to demonstrate financial responsibility by insuring the service contracts under reimbursement insurance policies or by other means such as a surety bond. Service contract administrators are required to register with the Department of Insurance. The bill specifies the requirements of a reimbursement policy for insuring a service contract; the form and content of motor vehicle extended service contracts; requires contract administrators to maintain certain records; provides for civil penalties for violating the act; and gives the director enforcement powers.

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These provisions are based on the National Association of Insurance Commissioners (NAIC) Service Contracts Model Act and become effective January 1, 2007.

REGIONAL TAXICAB COMMISSION

The Regional Taxicab Commission is allowed to impose an administrative penalty not to exceed \$200. The commission must develop a schedule of penalties which will be available to the public and taxicab drivers. The bill allows the commission to request a criminal history record check from the State Highway Patrol. Prospective taxicab drivers will submit two sets of fingerprints to check the person's criminal history. The prospective or current driver must pay all appropriate fees for the background check. The bill allows the commission to require taxicabs operating under its jurisdiction to display a special license plate which will be issued by the Department of Revenue and to confiscate the plates, if a license is revoked, and return them to the department director. The bill specifies the fee and description on the plate.

BURDEN OF PROOF

The bill reverses the burden of proof in proceedings involving motor carrier and railroad safety regulations. Under the current law, the burden of proof is on the party attempting to set aside the Highways and Transportation Commission's determination or order. Under the bill, the burden of proof will be on the commission to show that its decision or order is reasonable or lawful.

LEMON LAW

Auto manufacturers, after settling with a consumer under the Lemon Law provisions, are allowed to apply to the Department of Revenue for a reimbursement equal to any amount refunded to the consumer for any sales taxes, license fees, registration fees, and title fees paid as a result of purchasing the vehicle. Manufacturers may, in lieu of applying to the department, direct the consumer to apply for the refund. The department with satisfactory proof of payment must refund the taxes and fees.

DISABLED PLATES, PLACARDS, AND PARKING SPACES

The procedures relating to obtaining an instruction permit, driver's, or non-driver's license, disabled license plates and placards, and the use of designated disabled parking spaces are revised. The bill:

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- (1) Changes the fraudulent procurement or use of a disabled license plate or placard from a class C misdemeanor to a class B misdemeanor;
- (2) Changes the penalty for certifying an individual for a disabled plate or placard outside the practitioner's scope from a class C misdemeanor to a class B misdemeanor and requires certification to meet certain standards;
- (3) Allows other health care practitioners (chiropractors, podiatrists, and optometrists) to certify individuals for disabled license plates or placards;
- (4) Excludes age as a factor in determining whether a person is entitled to a disabled license plate or placard;
- (5) Establishes record maintenance requirements for physicians and health care practitioners who issue a physician's statement for a disabled license plate or placard. These records must be open to inspection and review by the practitioner's licensing board to verify compliance;
- (6) Requires a physician's statement to be on a form prescribed by the Director of the Department of Revenue, state the specific diagnosis which renders the person physically disabled, include the physician's license number, and be signed by the physician or health care practitioner;
- (7) Limits to two the number of removable windshield handicap placards that may be issued by the director to any one person;
- (8) Increases the fee for removable windshield handicap placards from \$2 to \$4;
- (9) Limits the use of the placard to when the person is in the motor vehicle at the time of parking or when the person is being delivered;
- (10) Requires, beginning August 1, 2005, every applicant or renewal for a disabled license plate or placard to present a new physician's statement dated no more than 90 days prior to the application. Thereafter, the director must not renew pre-existing disabled plates or placards unless the applicant furnishes a new physician's statement every four years; and
- (11) Makes any person who cannot produce the certificate which authorizes him or her to park in a disabled parking space guilty of a class A misdemeanor. If a person can later produce a valid

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certificate in court, the person will not be found guilty. Placards can only be used when the vehicle is parked in a disabled parking space.

The disabled license plate, placard, and parking space provisions of the bill become effective January 1, 2005.

RACIAL PROFILING

Currently, peace officers are required to make informational reports concerning the age, gender, and race or minority group of the individual stopped, as well as the nature of the stop and any action taken on every motor vehicle stop involving violations of any motor vehicle statute or ordinance. The bill requires reporting on every motor vehicle stop. Peace officers who stop a driver of a motor vehicle pursuant to a lawfully conducted sobriety check point or road block will be exempt from the reporting requirements.

OTHER PROVISIONS

The bill also contains provisions regarding width restriction removal for implements of husbandry, use of headlights due to weather conditions or fog, court suspension of driver's license of those who pass stopped school buses, one assignment of vessels and outboard motors a surviving beneficiary or beneficiaries, outboard motors older than a 1960 model titling, liability insurance requirements for Highways and Transportation Commission equipment, exempts certain intrastate commercial motor vehicles from federal safety regulations, flashing lights for commercial passenger transport vehicles, and transfer on death the title on a manufactured home.

SCS SB 1235 -- INSURER LIQUIDATION

This bill changes the laws regarding the liquidation of insurance companies. The bill:

(1) Changes the requirements for receiving a credit for reinsurance in insolvency cases. Current law requires the Director of the Department of Insurance to disallow as an asset or a deduction from liability any credit for reinsurance unless the reinsurance is payable to the ceding company or its receiver if the ceding company is impaired or insolvent. The bill removes the requirement that the ceding company be impaired or insolvent before the credit for reinsurance can be taken by the receiver;

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(2) Prohibits a setoff when the obligations between a person and the insurer arise from reinsurance relationships resulting in business where either the person or the insurer has assumed risks and obligations from the other party and has ceded back substantially the same risks and obligations;

(3) Removes the December 31, 2005, sunset clause on two provisions which allow an estimation of contingent liabilities to be used to correct creditors' claims during the liquidation process; and

(4) Allows expert testimony concerning estimates of incurred but not reported losses to be received into evidence if otherwise admissible in any tribunal proceeding.

HCS SB 1242 -- KANSAS CITY PUBLIC SCHOOL RETIREMENT SYSTEM

This bill changes the laws regarding the Kansas City Public School Retirement System. The bill:

(1) Revises the definition of "break in service" to include when a regular employee ceases to be employed and then becomes re-employed after 60 consecutive calendar days have elapsed or after 15 consecutive school or work days have lapsed, whichever occurs later. This definition also applies when a regular employee retires under Section 169.280, RSMo, pertaining to the Kansas City Public School Retirement System, who later becomes re-employed after 15 consecutive school days or work days have elapsed;

(2) Revises the definition of "minimum normal retirement age" to the earlier of the date a member reaches 60 years of age or the date a member has a total of at least 75 credits, with each year of creditable service and each year of age equaling one credit. Both years of creditable service and age will be prorated for fractional years;

(3) Increases the number of members on the medical board of the retirement system to three or more physicians;

(4) Allows the board of trustees of the retirement system to employ one or more banks having fiduciary powers to assist the treasurer of the system in administering retirement funds;

(5) Revises provisions regarding the development of rules and

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regulations used to determine claims of creditable service by eligible members, the certification of a disability for eligible members, and the suspension and computation of a retirement allowance received by a member who earns additional income by becoming re-employed in the retirement system;

(6) Prohibits accumulated contributions from being paid to a member before incurring a break in service; and

(7) Removes a section regarding the granting of prior service credit for a member who is employed by the Kansas City Public School District before January 1, 1944, and who becomes re-employed after January 1, 1944.

SB 1243 -- PUBLIC ADMINISTRATORS

This bill requires the public administrator of Jackson County, who is serving as a conservator, to have pooled accounts audited at least once a year. The audit, which will be paid by the county, must review all receipts and disbursements; and a certified public accountant must report to the judge about each account. The bill also defines "pooled account" and specifies that a fiduciary may place funds into a pooled account only under certain conditions.

HCS SCS SB 1247 -- STATE LEGAL EXPENSE FUND

This bill adds licensed attorneys practicing law for no compensation at a tax-exempt, nonprofit community social services center to those eligible for coverage from the State Legal Expense Fund. The aggregate of any payments from the fund will be limited to a maximum of \$500,000 for all claims based upon the same act or acts alleged in a single cause and will not exceed \$500,000 for any one claimant. All payments from insurance policies purchased by the state relating to the fund will also be limited to \$500,000.

An attorney's liability or malpractice insurance will not be considered for the payment of a claim to the extent that the legal expense fund is liable. However, an attorney may obtain liability or malpractice insurance for amounts that exceed the maximum coverage of the legal fund.

The Attorney General is authorized to promulgate rules regarding contract procedures and documentation of the legal practice of attorneys covered by the fund.

SB 1249 -- STATE PURCHASING

This bill requires the Commissioner of the Office of Administration to compile a list of Missouri products and provide it to all state government agencies, public colleges and universities, and other interested parties. The bill requires any state purchasing agent to give preference to all commodities and tangible personal property manufactured, mined, produced, or grown within the state when the quality is equal or better and the price is the same or less than any other competitor. State agencies are required to make a good faith search of Missouri companies that provide products or services. If a Missouri company applies for a contract and is denied, the company will be sent an explanation.

SCS SB 1250 -- MISSOURI PROPANE EDUCATION AND RESEARCH COUNCIL

This bill changes the representation of the membership of the Missouri Propane Education and Research Council. The number of members representing propane retail marketers is changed from six to nine. Current law also requires six members to represent propane producers, but the bill changes this to three members representing propane wholesalers or resellers. The remaining membership of the council is the same. Members filling unexpired terms on the council will not have any partial term of service count against the two-term limit. Former members may be reappointed after one year, rather than the current two-year waiting period.

SCS SB 1253 -- URBAN REDEVELOPMENT

This bill clarifies that the definition of "city" as it relates to urban redevelopment corporations also includes unincorporated areas of Jackson County. Currently, the definition applies to any city and areas of St. Louis County.

HCS SB 1259 -- TEMPORARY BOATER EDUCATION PERMITS

This bill allows nonresidents born after January 1, 1984, to operate a vessel on a lake of this state with a temporary boater education permit. The permit may be obtained by completing and passing a written examination developed by the State Water Patrol

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and paying a \$10 fee. The temporary permit will expire when the nonresident receives their permanent identification card or 30 days after issuance of the temporary permit, whichever occurs first. Upon successful completion of the test and prior to renting a vessel, the business entity responsible for giving the examination will collect and forward the fees to the water patrol. The business entity will incur no additional liability for the responsibility of administering the examination. The temporary boater permit provision has a termination date of December 31, 2010.

HCS SB 1274 -- MISSOURI AREA HEALTH EDUCATION CENTERS

This bill establishes the Missouri Area Health Education Centers Program to improve the supply, distribution, availability, and quality of health care personnel in Missouri communities and promote access to health care in medically underserved communities.

The Missouri Area Health Education Centers Council is created within the Department of Health and Senior Services, and the bill specifies the membership and term of office. The council will have discretionary authority to monitor and recommend policy direction for the program.

HCS SS SCS SB 1279 -- MISSOURI HOSPITAL INFECTION CONTROL ACT

This bill creates the Missouri Nosocomial Infection Control Act of 2004. The bill:

- (1) Requires the Department of Health and Senior Services to include in its list of reported communicable and infectious diseases methicillin-resistant staphylococcus aureus and vancomycin-resistant enterococcus;
- (2) Authorizes the department to collect, analyze, and disclose nosocomial data obtained from hospital patient medical records. Currently, the department obtains this information to conduct epidemiological studies;
- (3) Creates various definitions, including "nosocomial infection," "nosocomial infection incidence rate," "antibiogram," and "other facility";

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(4) Requires laboratories performing culture and sensitivity testing on humans in Missouri to submit data on health care associated infections to the department. The data may include antibiograms. No later than July 1, 2005, the data must include the number of patients by hospital, ambulatory surgical center, or other facility with methicillin-resistant staphylococcus aureus or vancomycin-resistant enterococcus;

(5) Requires the Infection Control Advisory Panel to develop a recommended plan to use laboratory and health care provider data as a means to enhance the ability of health care providers and the department to track the incidence and distribution of preventable infections and monitor the trends in the development of antibiotic-resistant microbes;

(6) Requires the department to collect data on the required nosocomial infection incidence rates from hospitals, ambulatory surgical centers, and other facilities which are necessary to generate the required reports;

(7) Requires the department to develop rules governing the collection, risk adjustment, and reporting of nosocomial infection incidence rates and the types of specified medical procedures to be monitored by July 1, 2005;

(8) Requires the department to use data collection methodologies established by the National Nosocomial Infection Surveillance System of the Centers for Disease Control and Prevention;

(9) Requires the advisory panel to recommend to the department the appropriateness of implementing all or part of the nosocomial infection data collection and public reporting requirements;

(10) Allows the department to implement or not implement the federal Centers for Disease Control and Prevention's Nosocomial Infection System or an alternative infection control system;

(11) Exempts physician's offices from reporting and disclosing infection incidence rates;

(12) Requires the department, in consultation with the advisory panel, to submit quarterly reports of nosocomial infections to the public. The department is also required to post the reports on their web site beginning December 31, 2006. The reports will also be distributed on an annual basis to the Governor and the General Assembly;

(13) Requires the quarterly reports to reveal risk-adjusted

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nosocomial infection incidence rate data for class I surgical site infections, ventilator-associated pneumonia, central-line bloodstream infections, and other infections;

(14) Requires information collected on infections to be subject to confidentiality protections. However, the information can be provided in provider-specific form to the appropriate facility and professional licensing authorities for the purpose of licensing hospitals and ambulatory surgical centers;

(15) Requires the department to collect and publish nosocomial infection incidence rates if the Hospital Industry Data Institute fails to do so by July 31, 2008;

(16) Requires hospitals, ambulatory surgical centers, and other facilities to have procedures for monitoring and enforcing compliance with infection control regulations;

(17) Gives infection control officers the authority to require hospitals and ambulatory surgical centers to terminate a practice which falls outside accepted medical practices for preventing nosocomial infections;

(18) Prohibits hospitals and ambulatory surgical centers from taking retaliatory actions against infection control officers and other employees who discuss any aspect of care with an agent of the department concerning potential hospital infection issues or complaints;

(19) Requires the department to review and update standards for an infection control program by July 1, 2005, and specifies the subject areas for the standards;

(20) Gives the department access to all data and information held by hospitals, ambulatory surgical centers, and other medical facilities relating to their infection control practices. Facilities that willfully impede access to the information will be subject to a suspension of all or a portion of their state funding;

(21) Creates the Infection Control Advisory Panel and specifies the composition of the panel; and

(22) Prohibits information disclosed by the public for the purpose of compliance with the bill from being used to establish a standard of care in a private civil suit.

SB 1285 -- MOTOR VEHICLE FEE OFFICES

This bill allows fee offices located in cities where the Department of Revenue maintains an office to collect the statutory fees for processing driver's licenses, motor vehicle registrations, and other transactions.

HCS SB 1299 -- RESIDENTIAL PROPERTY INSURANCE

This bill changes the laws regarding insurance and amends provisions of the Property and Casualty Insurance Guaranty Association Act. The bill:

- (1) Expands the guaranty association's obligations for claims arising from bodily injury, sickness, or disease to include damages for pain and suffering;
- (2) Limits the claims for any one insolvent insurer to \$10 million;
- (3) Expands the list of insurance products to which the guaranty association assessments will not apply, including insurance on warranties and service contracts, vendors' single-interest insurance, collateral protection insurance, any forms of insurance offering protection against investment risk, and the portion of any insurance provided or guaranteed by any government;
- (4) Limits claims for unearned premiums to \$25,000 per policy;
- (5) Requires claims to be filed within 18 months of the date of the liquidation order;
- (6) Clarifies that the association is not deemed to be the insolvent insurer for the purpose of establishing personal jurisdiction of the courts of any state; and
- (7) Clarifies that any obligation to defend the insolvent insurer terminates with the payment of the association's claim limit.

In other provisions governing insurance, the bill:

- (1) Changes the definition of "renewal" as it relates to automobile insurance. Any automobile insurance policy with a term of less than six months or with no fixed expiration date

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will be considered a six-month policy. Under current law, the default term is 12 months;

(2) Repeals the bond requirement for acquiring a license to sell surplus lines of insurance; and

(3) Increases from \$100,000 to \$200,000 the maximum limit of liability on a residential property in the Missouri Basic Property Insurance Inspection and Placement Program and makes the insurance contracts in the program subject to credit scoring underwriting restrictions.

SB 1302 -- CONVEYANCE IN GREENE COUNTY

This bill authorizes the Board of Governors of Southwest Missouri State University to sell property along South Scenic Avenue in the City of Springfield. Consideration for the conveyance will be negotiated by the board and the purchaser.

The bill contains an emergency clause.

SCS SB 1304 -- SPECIAL ALLOCATION FUND

This bill allows any district providing emergency services to be reimbursed from the Special Allocation Fund for at least 50%, but not more than 100%, of the district's tax increment.

SB 1320 -- DEPOSITARIES OF STATE INSTITUTIONS

Currently, management of state institutions which have the use or custody of any funds solicit bids from banks in each odd-numbered year. This bill authorizes them to solicit bids in any year in which the bid is requested. Bids may be for a period of one to four years, and banks are authorized to submit bids for a term of up to four years.

HCS SB 1329 -- WARREN COUNTY EMERGENCY SERVICES BOARD

This bill expands the powers and duties of the Warren County Emergency Services Board.

SCS SB 1331 -- DEVELOPMENT PROJECTS IN CENSUS DESIGNATED PLACES

This bill expands the definition of "municipality" to include census designated places for purposes of the Missouri Downtown and Rural Economic Stimulus Act.

HCS SCS SB 1365 -- VETERANS' EDUCATION AND OUTREACH PROGRAMS

Subject to appropriations, this bill requires the General Assembly to encourage the development of veterans' outreach and education programs which promote the historical significance of veterans' military service. The programs must be approved by the Executive Director of the Missouri Veterans Commission and will be conducted in public schools, veteran cemeteries, veteran homes, and other institutions. This provision will expire six years from the effective date.

The bill also creates the Veterans' Historical Education Trust Fund which will be administered by the Missouri Veterans Commission and used for the purpose of contributing to the preservation of freedom and financing veterans' outreach and educational programs.

The Director of the Department of Revenue is required to deposit all amounts received or designated to the fund which include grants, gifts, appropriations, and federal moneys. Funds appropriated by the General Assembly can only be used for conducting veterans' outreach and educational activities. Unexpended balances remaining in the fund will not revert to the General Revenue Fund.

CCS HS HCS SB 1394 -- TAXATION

This bill changes the laws regarding taxation. The bill:

(1) Changes the law to relieve the Department of Revenue from notifying each local taxing entity of a delinquency before turning the case over to the Attorney General for collection and mandates the department to include local taxes in its suit against a taxpayer;

(2) States that if a county commission has not submitted a panel of names to the Governor within 30 days of the expiration of a county sports complex authority's commissioner's term, the

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Governor will immediately make an appointment with the advice and consent of the Senate. If the Governor does not appoint a replacement, no commissioner will serve beyond the continuation of his or her term;

(3) Prohibits the City of Edmundson from collecting a license fee on hotels and motels for more than \$27 per room, per year and prohibits the City of Woodson Terrace from collecting a license fee on hotels and motels for more than \$13.50 per room, per year. If a license fee is more, it will automatically be reduced;

(4) Allows the City of Salem to charge a transient guest tax, upon voter approval, to promote tourism. The tax cannot exceed 5% per occupied room, per night;

(5) Allows the City of Gladstone to impose a local sales tax up to one-half of 1% for public safety, upon voter approval. The department will collect and remit any sales tax collected less a 1% collection fee to the city's public safety sales tax trust fund;

(6) Expands the definition of "eligible industry" as it relates to the Business Use Incentives for Large-Scale Development (BUILD) Program to include a tax preparation company headquartered in Kansas City as long as the company creates 100 new jobs for eligible employees and invests at least \$15 million in an economic development project. The cap for the tax credit is increased from \$11 million to \$11,950,000 for the tax preparation company headquartered in Kansas City;

(7) Changes the cap on the tax credit for an accredited film or video production produced in Missouri from \$500,000 to \$1 million per taxpayer, per year, and total credits will not exceed \$500,000, per year;

(8) Establishes depreciation tables for digital and analog television broadcasting equipment based upon the cost of the item for purposes of personal property taxation. This section becomes effective January 1, 2005;

(9) Allows certain local governing bodies to require all charges for parking and other vehicle-related fees and fines to be paid before a county will issue a paid personal property tax receipt;

(10) Reduces the penalty from 25% to 10% of the assessed value for failure to deliver an accurate personal property assessment list in a timely manner in the City of St. Louis;

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(11) Increases the credit for taxes paid to another state by basing the amount of the credit on the tax liability in the foreign state prior to the subtraction of any tax credits taken in the state. This section becomes effective January 1, 2005;

(12) Allows an additional subtraction when assets that are subject to bonus depreciation are disposed of before the end of the assets' depreciable life;

(13) Removes "employee" from the description of the responsible party for a corporation. The department assesses tax against the officers of the corporation as the responsible parties if the corporation fails to file and pay its taxes. The Supreme Court ruled that the use of the word "and" permits the department to assess responsible parties only if it fails to have actually filed a return. The bill changes the word "and" to "or" so that an officer, director, or statutory trustee cannot avoid being held responsible for taxes by having filed the return;

(14) Allows a negative federal income to be reported on the Missouri income tax return in certain circumstances for tax years ending on or after December 31, 2002;

(15) Allows the department to offset any property tax credit refund against an income tax delinquency or a delinquency created by a property tax credit claim;

(16) Removes the restriction requiring a person trading in an article to be the owner or holder of a properly assigned certificate of ownership for trade-in credit or partial payment on a motor vehicle, trailer, boat, or outboard motor;

(17) Allows for the revocation of a retail sales tax license when an employer fails to pay withholding tax;

(18) Allows certain tax-exempt organizations to submit a form verifying their tax-exempt status when registering motor vehicles they own.

SJR 29 -- SAME-SEX MARRIAGES

This proposed constitutional amendment specifies that only a marriage between a man and a woman will be valid and recognized in the State of Missouri.

